

EDUCATION

CHAPTER 155

S. B. No. 91
(Melland)

CUSTODY OF SCHOOL FUNDS

AN ACT

To amend and reenact section 15-10-12 of the North Dakota Century Code, relating to the custody of school funds for those institutions under the control of the board of higher education.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Section 15-10-12 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-10-12. Board May Accept Gifts and Bequests—State Treasurer to Have Custody of School Funds.) The state board of higher education may receive donations, gifts, grants, and bequests offered or tendered to or for the benefit of any institution of higher education under its control or subject to its administration, and all moneys coming into the hands of the board as donations, gifts, grants, and bequests shall be used for the specific purpose for which they are donated or given. A special operating fund, for each institution of higher education under the control of the board or subject to its administration, shall be maintained within the state treasury and all institutional income and institutional collections of public funds of each institution, except institutional funds received as donations, gifts, grants, and bequests, shall be placed in such special fund for the use of the institution for which such money was raised. All rent, interest, or income from land, money, or property, donated or granted by the United States and allocated to specific institutions of higher learning under the terms of the Enabling Act and the state Constitution shall be deposited in such special operating fund of each

institution and expended in accordance with the provisions of section 159 of the Constitution. The director of accounts and purchases shall direct the state treasurer to make transfers from each institution's general fund appropriation to each institution's special operating fund on a monthly basis in amounts as may be necessary for the operation and maintenance of each institution for the next month, except that at the beginning of the twenty-fourth month of the biennium the balance of funds not transferred from the general fund appropriation shall be deposited in the special operating funds of such institutions. All such transfers shall be subject to proration in the same manner as other appropriations are prorated in the event insufficient funds are available to meet expenditures from the general fund. Any balance remaining in a special operating fund at the end of a biennium shall not be subject to section 54-27-09. Sinking funds for the payment of interest and principal of institutional revenue bonds shall be deposited pursuant to section 15-55-06.

Approved March 8, 1969.

CHAPTER 156

H. B. No. 99

(Aamoth, Wagner, White, Bier, E. Johnson, Halcrow)

(Bunker, Register, Strinden, Davis, Reimers)

(Giffey, Opedahl)

MAINTAINING LAW AND ORDER AT
INSTITUTIONS OF HIGHER EDUCATION

AN ACT

Relating to the authority of the board of higher education to maintain law and order at and to regulate the use of the facilities of the state colleges and universities, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Conduct of Students and Others and Use of Facilities of State Colleges and Universities.) The board of higher education shall regulate the use of the grounds, buildings, equipment, and facilities of the state colleges and universities and the conduct of the students, staff, faculty, and visitors to the campus so that law and order are maintained and the college or university may pursue its educational objectives and programs in an orderly manner.

The board of higher education shall adopt regulations for the conduct of the students, faculty, visitors, and staff, and may provide for the ejection from college or university property, suspension, or expulsion of a person who violates such regulations. Such regulations shall provide for the expulsion of any student who willfully damages property of any state college or university or who willfully obstructs the normal administration of a state college or university and thereby prevents or hinders other students from pursuing their academic programs. Any student expelled under said regulations shall be deemed to have been expelled solely for the protection of the property of the institution and the maintenance of its functions, and not as a criminal punishment. All such regulations shall be published in a manner reasonably designed to come to the attention of, and be available to, all faculty, staff, visitors, and students. In any case where property of a state college or university has been willfully damaged or where the administration of a state college or university has been willfully obstructed, the board of higher

education shall sue or cause to be sued for appropriate damages in civil court all persons whom such board deems responsible for such property damage or such obstruction of college or university administration, or both. The board by its regulations may delegate to the chief executive officer of each institution, or the faculty, or any administrative committee, or any combination of such persons, the power of carrying out and enforcing any such regulations.

The board of higher education shall provide for the administration and enforcement of its regulations and may authorize the use of special policemen to assist in enforcing the regulations and the law on the campus of a college or university, which special policemen shall have concurrent jurisdiction with other law enforcement officers in the enforcement of such laws and regulations. The board of higher education, or appropriate officials of such college or university when the authority to do so has been delegated by the board of higher education, may seek the assistance of other appropriate law enforcement officers to enforce the regulations and to enforce laws for the preservation of good order on the campus, and to prevent the disruption of the educational functions of the college or university. It shall be the duty of the president or the administrative head of each institution of higher learning to sign criminal complaints against any person for willfully damaging any property of the state college or university or willfully obstructing the normal administration of a state college or university or preventing or hindering other students from pursuing their academic programs.

Violation of any such regulation by any member of the staff or faculty of any college or university shall be deemed and constitute a breach of contract on his part, and shall subject him to dismissal and termination of his contract; but no such dismissal or cancellation shall be ordered unless and until he has had an opportunity for a fair hearing upon the charges, before such persons, officers, committees or administrators as the regulations may designate, or before the board itself, if the regulations so provide.

The regulations of the board of higher education shall not restrict freedom of speech nor the right of persons on the campus to assemble peacefully.

Section 2. Emergency.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 13, 1969.

CHAPTER 157

S. B. No. 107
(Trenbeath, Becker)

DEFINITION OF NONRESIDENT STUDENT

AN ACT

To amend and reenact section 15-10-19 of the North Dakota Century Code, relating to definitions of nonresident students.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Section 15-10-19 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-10-19. Nonresident Student for Tuition Purposes Defined—Exceptions.) A nonresident student is defined as follows:

1. A student less than twenty-one years of age whose parents, custodial parent or guardian resides in another state, a territory, or a foreign country or whose parents, custodial parent or guardian has resided within this state for a period of less than twelve months immediately prior to the date of his registration;
2. A student of the age of twenty-one years or over who resides outside of this state; or
3. A student of the age of twenty-one years or over who has been a resident of this state for a period of less than twelve months immediately prior to the date of registration; provided that a student, whose parents, custodial parent or guardian do

not reside in this state, shall not be deemed to have initiated residence in this state until reaching the age of twenty-one years and provided further that attendance at an institution of higher learning within the state shall not alone be sufficient to qualify for residence in this state.

Military personnel assigned to a military installation in this state and their dependents, dependents of instructors who live in this state and teach in any institution of higher learning in this state and the spouse of a resident of this state, are excluded from the foregoing provisions, and shall be regarded as residents of this state for purposes of tuition, whether such dependents are over or under twenty-one years of age.

Any student who may otherwise be classified as a non-resident under this section, but who is a citizen of the United States may, if his parents, custodial parent, or guardian live in this state, provide to the institution of higher learning which he plans to attend a statement signed by the county treasurer and the city auditor, if his parents, custodial parent or guardian live in a city, or by the county auditor if they reside outside of a city, showing proof of their intent to establish residence in this state for a period of years. Such statements shall entitle the student to be regarded as a resident of this state for purposes of tuition if there is no substantial evidence to the contrary.

Approved March 14, 1969.

CHAPTER 158

H. B. No. 168
(Sanstead, Glaspey)

REDUCTION OF VETERINARY MEDICINE
STUDENTS' LOANS

AN ACT

Directing the board of higher education to reduce the amount due on loans made to veterinary medicine students during the 1963-1965 biennium, providing for a refund, and making an appropriation.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Reduction of Face Amount of Certain Notes Taken from Veterinary Medicine Students.) The board of higher education is hereby authorized and directed to reduce the face amounts of notes taken from veterinary medicine students during the 1963-1965 biennium pursuant to reciprocal agreements between the board and out-of-state institutions offering courses in veterinary medicine. The face amount of such notes shall be reduced to an amount of repayment consistent with the present policy of the board of higher education in regard to the repayment of subsequent similar loans.

Section 2. Board of Higher Education to Require Note from Veterinary Medicine.) At the time that payments are made to or on behalf of a veterinary medicine and surgery student from the appropriations for reciprocal agreements, the board of higher education shall obtain a note signed by each such student in an amount equal to the difference between the resident and non-resident tuition at the institution attended by such student. Such note shall be so conditioned as to be void if such student shall, upon graduation, return to North Dakota and engage in the practice of veterinary medicine and surgery for a period of at least two years. The board of higher education may temporarily waive the repayment of the note during the time the student is pursuing advanced study in veterinary medicine and surgery or during the time such student is in the military service of the United States of America.

Section 3. Refund—Appropriation.) Any payments made by veterinary medicine students who signed notes during the 1963-

1965 biennium in excess of the reduced amount of such notes shall be entitled to a refund of such excess, and there is hereby appropriated out of any moneys not otherwise appropriated in the general fund the sum of \$300.00 for the purpose of making such refunds.

Approved March 18, 1969.

CHAPTER 159

H. B. No. 105

(Jenkins, Eagles, Bunker, Giffey, Freeman)

(Bullis, Strinden)

RECIPROCAL HIGHER EDUCATION AGREEMENTS

AN ACT

Authorizing the state board of higher education to enter into agreements with institutions of higher education within this state and in contiguous states, governing the education and admission of certain students on a reciprocal basis.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Declaration of Legislative Intent.) In order to make the most provident utilization of state institutions of higher education and private colleges in North Dakota, and public and private colleges and universities in contiguous states, and to avoid duplication of facilities, it is desirable to provide means which will enable a student resident within the areas served by such institutions of higher education to obtain his desired courses in the most expedient manner and at the least possible cost.

Section 2. Agreements—Reciprocal Basis.) Notwithstanding the provisions of section 15-10-18, the state board of higher education is hereby authorized to enter into agreements with public or private institutions of higher education, or the governing board thereof, in this state and in contiguous states on a reciprocal basis in order to accomplish the following:

1. To enable a student at any institution party to such an agreement to take a specialized course or courses at a different institution from that in which he is enrolled, with or without the payment of tuition charges at the other institution.

2. To enable a student enrolled in any of the institutions party to the agreement to attend another institution party to such agreement without being required to pay non-resident tuition fees and in accordance with the terms of such agreement.

Section 3. Remission of Nonresident Tuition—Agreements.) Notwithstanding the provisions of section 15-10-18, the state board of higher education may enter into agreements for the remission of nonresident tuition for designated categories of students at state institutions of higher education. Such agreements shall have as their purpose the mutual improvement of educational advantages for residents of this state and such other states or institutions of other states with whom agreements are made.

Section 4. Procedures—Limitations.) The state board of higher education may prescribe the procedures for carrying out the authority conferred by sections 2 and 3 of this Act. An agreement entered into pursuant to this Act shall provide for approximately equal advantages between the contracting institutions or the contracting states, and the board of higher education shall submit agreements entered into pursuant to this Act to the subcommittee on budget of the legislative research committee for its approval. No such agreements shall become effective without prior approval of this subcommittee.

Section 5. Supplementary Authority.) The authority granted the state board of higher education by this Act is supplemental to the authority granted such board by section 15-10-28.

Approved March 25, 1969.

CHAPTER 160

H. B. No. 80
(E. Johnson)

STATE AID TO JUNIOR COLLEGES

AN ACT

To amend and reenact sections 15-18-07 and 15-18-08 of the North Dakota Century Code, limiting state aid to only those junior colleges eligible to receive such aid on July 1, 1969.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Section 15-18-07 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-18-07. State Aid for Junior Colleges or Educational Centers.) There shall be paid to each school district maintaining a junior college or educational center operated by a state-supported institution of higher education meeting the standards and eligibility requirements prescribed in section 15-18-08, out of funds appropriated for this purpose, the sum of two hundred dollars which shall be paid immediately preceding October first of each year, for every student in attendance during the two full semesters or fall, winter and spring quarters. In addition, the sum of two hundred fifty dollars shall be paid immediately preceding October first of each year for every student in attendance during the two full semesters or fall, winter and spring quarters at a junior college or educational center, provided the school district, city or county shall levy taxes of not less than four mills for the support of such junior college or educational center in accordance with the provisions of sections 15-18-03, 15-18-04.2 or 15-18-05. For the purpose of this section, a "student" shall mean a person enrolled and in attendance, exclusive of temporary absences, in a junior college or educational center operated by a state-supported institution of higher education for a period of not less than thirty days, and carrying a course of study of not less than twelve class hours during each calendar week in academic courses meeting standards prescribed by the state board of higher education, or in trade courses meeting standards prescribed by the state board for vocational education. A class hour shall mean not less than fifty minutes of instruction or super-

vised laboratory training. Each student enrolled for a period of more than thirty days in any one quarter or semester, but less than two complete semesters or three complete quarters shall entitle the school district to receive proportionate payments based upon the number of weeks the student is enrolled and in attendance, exclusive of temporary absences, bears to the total weeks in the two complete semesters or three quarters. Such calculations shall exclude weeks of regular vacation time.

If the funds appropriated for the purpose of carrying out the provisions of this section should prove to be insufficient based on the number of students in attendance at a junior college or educational center as provided in this section, the amounts to be paid to such junior college or educational centers shall be reduced in such a manner so that the payments for each student in attendance at a junior college or educational center will be made on a pro rata basis.

Section 2. Amendment.) Section 15-18-08 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-18-08. Standards for State Aid.) No school district maintaining a junior college or educational center operated by a state-supported institution of higher education shall be eligible to receive payments as provided in section 15-18-07 or as otherwise specifically provided by law unless it was established and eligible to receive such payments on July 1, 1969, and it maintains an enrollment at all times during all semesters or quarters for which payment is made of not less than one hundred "students" as defined in section 15-18-07 and meets either such academic standards as shall be prescribed by the state board of higher education, or the trade standards as shall be prescribed by the state board for vocational education. The state board of higher education shall provide for an annual inspection of each junior college or educational center operated by a state-supported institution of higher education to determine compliance with prescribed academic standards; and the state board for vocational education shall provide for an annual inspection of each junior college or educational center operated by a state-supported institution of higher education to determine compliance with prescribed trade standards.

Approved March 8, 1969.

CHAPTER 161

H. B. No. 208
(Jones, Swedlund)

ACCEPTANCE OF FEDERAL VOCATIONAL
EDUCATION BENEFITS

AN ACT

To amend and reenact section 15-20-01 of the North Dakota Century Code, relating to include the provisions and benefits of all Acts adopted by the United States Congress for vocational education.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Section 15-20-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-20-01. Vocational Education—Acceptance of Benefits of Federal Acts.) The state of North Dakota accepts all of the provisions and benefits of the Acts of the Congress of the United States of America to assist states to maintain, extend, and improve existing programs of vocational education and to develop new programs of vocational education at the secondary, post-secondary, and adult levels in accordance with state statutes and policies of the state board of public school education.

Approved March 25, 1969.

CHAPTER 162

H. B. No. 210
(Jones, Swedlund)

CUSTODIAN OF VOCATIONAL EDUCATION FUNDS

AN ACT

To amend and reenact section 15-20-02 of the North Dakota Century Code, relating to provide for the state treasurer to be the custodian of funds received under all Acts of the United States Congress for vocational education.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Section 15-20-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-20-02. State Treasurer is Custodian of Vocational Education Funds.) The state treasurer shall be the custodian of all moneys received by this state from any appropriations made by Congress as described in section 15-20-01, and he is authorized to receive and provide for the proper custody of such moneys and to make disbursements thereof in the manner and for the purposes provided for in the Acts of Congress within the framework of state fiscal policy. He shall pay out any moneys appropriated by this state for the purpose of carrying out any of the provisions of this chapter upon the order of the state board of public school education.

Approved March 25, 1969.

CHAPTER 163

H. B. No. 207
(Jones, Swedlund)

COOPERATION AMONG VOCATIONAL
EDUCATION INSTITUTIONS

AN ACT

To amend and reenact section 15-20-06 of the 1967 Supplement to the North Dakota Century Code, relating to provide for an expansion of activities as provided in the vocational education amendments of 1968.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Section 15-20-06 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-20-06. Cooperation of School Boards in Vocational Education.) The governing body of any school district and the board of trustees of any county agricultural and training school may cooperate with the state board of public school education in the establishment and maintenance of schools, departments, or classes in vocational education giving instruction in agricultural, trade, industrial, home economics, distributive education, office education, health occupations, technical education subjects, and occupational information and guidance including prevocational and exploratory activities as approved by the state board for vocational education in accordance with its policies and Acts of Congress and may use any moneys raised by public taxation for such purposes in the same manner as the moneys for other school purposes are used for the maintenance and support of public schools. When any school, department or class giving instruction in vocational education has been approved by the state board of public school education it shall be entitled to share in any federal and state funds available for vocational education.

Approved March 25, 1969.

CHAPTER 164

H. B. No. 209
(Jones, Swedlund)

REIMBURSING SCHOOLS TEACHING
VOCATIONAL EDUCATION COURSES

AN ACT

To amend and reenact section 15-20-08 of the North Dakota Century Code, relating to increasing the federal percentage of funds that may be used for reimbursements of salaries of vocational education teachers to conform with provisions of recently enacted federal legislation.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Section 15-20-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-20-08. Reimbursement of Schools Teaching Subjects in Vocational Education.) The state board of public school education acting through the office of the superintendent of public instruction, shall reimburse approved schools, departments, or classes giving instruction in the vocational education subjects described in this chapter from federal funds allocated to the state for the purpose of vocational education and related activities. The board may prorate the sums available among the various schools, departments, or classes meeting the requirements of this chapter and rules and regulations of the board relating to vocational education if funds are insufficient to reimburse at the rate established by the board.

Approved March 25, 1969.

CHAPTER 165

H. B. No. 504
(Lundene, Sanstead, Eagles)

EXECUTIVE OFFICER OF STATE BOARD
OF VOCATIONAL EDUCATION

AN ACT

To amend and reenact subsection 4 of section 15-20-12 of the North Dakota Century Code, relating to the executive officer of the state board.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Subsection 4 of section 15-20-12 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. "Executive officer of the board" shall mean the director;

Approved March 14, 1969.

CHAPTER 166

H. B. No. 503
(Lundene, Sanstead, Eagles)

DIVISION OF VOCATIONAL
REHABILITATION

AN ACT

To amend and reenact section 15-20-13 of the North Dakota Century Code, relating to executive officer of the state board.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Section 15-20-13 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-20-13. Director of Division of Vocational Rehabilitation and Executive Officer of the Board.) The state board shall contain a division of vocational rehabilitation. The division shall be administered, under the general supervision and direction of the state board by a director appointed by such board, in accordance with established personnel standards and on the basis of his education, training, experience and demonstrated ability. In carrying out his duties under this chapter, the director:

1. Shall make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, and investigation and determination thereof, for vocational rehabilitation services, procedures for fair hearings and such other regulations as he finds necessary to carry out the purposes of this chapter;
2. Shall establish, with the approval of the state board, appropriate subordinate administrative units within the division;
3. Shall appoint, with the approval of the state board, such personnel as he deems necessary for the efficient performance of the functions of the division;
4. Shall prepare and submit to the state board annual re-

- ports of activities and expenditures and, prior to each regular session of the legislature, estimates of sums required for carrying out this chapter and estimates of the amounts to be made available for this purpose from all sources;
5. Shall make certification for disbursement, in accordance with regulations, of funds available for vocational rehabilitation purposes;
 6. Shall take, with the approval of the state board, such other action as he deems necessary or appropriate to carry out the purposes of this chapter; and
 7. May delegate, with the approval of the state board, to any officer or employee of the division such of his powers and duties, except the making of regulations and the appointment of personnel, as he finds necessary to carry out the purposes of this chapter.

Approved March 14, 1969.

CHAPTER 167

H. B. No. 447
(Lundene, Sanstead, Eagles)

ADMINISTRATION OF VOCATIONAL REHABILITATION

AN ACT

To amend and reenact section 15-20-14 of the North Dakota Century Code, relating to administration of vocational rehabilitation.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Section 15-20-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-20-14. Administration of Vocational Rehabilitation.) Except as otherwise provided by law, the state board shall provide vocational rehabilitation services to disabled individuals determined by the director to be eligible therefor. In carrying

out the purposes of this chapter, the division among other things, may:

1. Cooperate with other departments, agencies, and institutions, both public and private, in providing for the vocational rehabilitation of disabled individuals, in studying the problems involved therein, and in establishing, developing and providing, in conformity with the purposes of this chapter, such programs, facilities and services as may be necessary or desirable;
2. Enter into reciprocal agreements with other states to provide for the vocational rehabilitation of residents of the states concerned;
3. Conduct research and compile statistics relating to the vocational rehabilitation of disabled individuals.

Approved March 26, 1969.

CHAPTER 168

H.B. No. 197
(Sanstead)

LIMITATIONS ON SCHOOL DISTRICT ANNEXATION

AN ACT

To repeal section 15-27-06 of the North Dakota Century Code, relating to limitations in school district annexation.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Repeal.) Section 15-27-06 of the 1967 Supplement to the North Dakota Century Code is hereby repealed.

Approved March 14, 1969.

CHAPTER 169

H. B. No. 381
(Dawson, Rivinius)

STUDENT ATTENDING ADJACENT
OUT-OF-STATE SCHOOL

AN ACT

To create and enact section 15-27-21 of the North Dakota Century Code, relating to North Dakota students attending schools in adjacent out-of-state schools, and continuing to do so after annexation or reorganization of their districts of residence; and to amend and reenact section 15-40-15 of the North Dakota Century Code, relating to reciprocal agreements for payment to out-of-state school districts for resident students attending school in such districts.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1.) Section 15-27-21 of the North Dakota Century Code is hereby created and enacted to read as follows:

15-27-21. Certain Students Attending Schools in Border States Not Affected by Reorganization or Annexation.) Students residing in a district annexed to or reorganized with another district or districts within North Dakota attending school in a bordering state because of proximity or terrain shall be permitted to continue attending school in a district in a bordering state. Any parent or guardian of a child, whether or not he has attended school in a district in a bordering state who is denied the right to attend a school in a school district in a bordering state by the school board of his district of residence, may appeal such decision to a county committee, consisting of the county superintendent of schools, the county judge, and the state's attorney. If the committee shall find the attendance of the student or students in question is necessitated by terrain or proximity, it shall approve the payment of tuition charges by the district of residence. The decision of the county committee may be appealed by the school board or the parent or guardian of the child to the state board of public school education, whose decision shall be final. Upon notification by the admitting district of the failure of the district of residence to pay such tuition charges, all county equalization payments and payments from the state to the district of residence shall be withheld in the same manner as provided in section 15-40-17 for high school

students and in accordance with subsection 14 of section 15-29-08 for elementary students.

Section 2. Amendment.) Section 15-40-15 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40-15. Reciprocal Agreement for Payment from County Equalization Fund.) The superintendent of public instruction may enter into reciprocal agreements with the state educational agencies or officers of bordering states in regard to the attendance of elementary and high school pupils in a bordering state and payments from the county equalization fund for high school and elementary students attending public schools in a bordering state. Such agreements may provide for the payment from the county equalization fund for students from North Dakota attending schools in adjoining states in sums equal, on a per student basis, to payments from the county equalization fund received by North Dakota schools. The superintendent of public instruction by certificate to the department of accounts and purchases may authorize such payments, from the appropriation for state school aid to the county equalization fund, to schools in adjoining states for the attendance of such high school and elementary students. The payment by the district of residence for each student shall not exceed the payments established by reciprocal agreement less the amounts otherwise paid for such student under the provisions of this chapter. The department of accounts and purchases, within the limits of legislative appropriation, shall make such payments to the appropriate public school, school district or agency of the adjoining state. Such reciprocal agreements may include, but shall not be limited to, payments for tuition and transportation costs connected with the education of such children in bordering states.

Approved March 17, 1969.

H. B. No. 141
(Bier)

**DESTRUCTION OF SCHOOL DISTRICT
WARRANTS AND DOCUMENTS**

AN ACT

To amend and reenact sections 15-29-14, 21-06-05, and 21-06-06 of the North Dakota Century Code, relating to the destruction of school district warrants and documents.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Section 15-29-14 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-29-14. Warrants—Cancellation—Destruction—Description in Minutes.) The school board, at a regular meeting, may cancel and destroy all warrants drawn on any fund of the school district which have remained on file for a period of six years or more next preceding the regular meeting on which the cancellation takes place. The school board may cancel all warrants and checks which have been subject to payment and which have not been presented for payment for a period of six years or more next preceding such regular meetings. The school board, before canceling any such warrants or checks, shall cause to be entered in the minutes of its proceedings a brief description of the warrant or check, containing the name of the payee, and the number, date and amount of each warrant or check to be canceled. If the party entitled to any such warrant or check, or to payment thereon, shall appear thereafter and give good and sufficient reason for his delay in calling for such warrant or in presenting the same for payment, the school board may issue to him a new warrant or check in the amount to which he is entitled, except for the statute of limitations. After the same have been first offered to the state historical society, the school board may destroy by burning any canceled warrant after the passage of six years from its date of cancellation.

Section 2. Amendment.) Section 21-06-05 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

21-06-05. Documents Which May Be Destroyed—When.) All bonds, bond coupons for interest, warrants, special assessment warrants, and any and all other documents evidencing debt made or executed by any school district, city or park district in the state may be destroyed when ten years have elapsed after their payment, and when the period within which an action might be commenced to determine the validity of such documents has expired.

Section 3. Amendment.) Section 21-06-06 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

21-06-06. Procedure for Destruction of Documents.) The governing body of any school district, city or park district desiring to destroy any documents described in section 21-06-05, at its first meeting in January of each year, shall procure from the auditor or clerk of such school district, city or park district a list of such documents which have been paid more than ten years prior to such time and against which the period within which an action might be commenced to determine the validity of such documents has expired, which said list shall contain a full statement and description of the documents desired to be destroyed, and thereupon shall check said documents with such lists. If found correct, the said governing body by resolution shall order said documents to be destroyed and in said resolution shall provide the manner of such destruction. The list provided for in this section shall be filed in the office of the city auditor or clerk of the school district or park district and retained as a permanent record.

Approved March 8, 1969.

CHAPTER 171

S. B. No. 335
(Freed)

**FURNISHING VEHICULAR TRANSPORTATION
TO FAMILIES WITHIN SCHOOL DISTRICT**

AN ACT

To amend and reenact section 15-34-05 of the North Dakota Century Code, relating to the furnishing of vehicular transportation, lodging, or tuition by school boards to families living within the school district.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Section 15-34-05 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-34-05. Vehicular Transportation, Lodging, or Tuition May Be Furnished at Option of School Board.) The school board of any school district in the state, in its discretion, may furnish to each family living in the district:

1. Vehicular transportation; or
2. The equivalent of the payments specified in section 15-34-04 in lodging or tuition at some other public school if the same is acceptable to the family.

The board shall not accord the benefits of either subsection 1 or subsection 2 of this section to any family which is receiving payments under section 15-34-04. In the event any school board elects to furnish vehicular transportation by public conveyance, the distance that each student must reside from his school in order to be entitled to such transportation may be determined by the school board in each district, but all students in the district shall be treated on the same basis in accordance with such determination. The school board of any school district in the state may furnish transportation to a nonresident student or students only upon entering into an agreement for such transportation with the district of the student's residence. All transportation payments shall be withheld on nonresident students if the school board of the district furnishing transportation to

nonresident students does not enter into an agreement with the district of the student's residence.

Approved March 26, 1969.

CHAPTER 172

H. B. No. 175
(Knudson)

TEACHERS' REPRESENTATION AND NEGOTIATION

AN ACT

To provide procedures for representative organizations of public school teachers to negotiate with school boards with reference to employer-employee relations; to establish procedures to be used in the event of disagreement; and to establish an education factfinding commission.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Purpose.) In order to promote the growth and development of education in North Dakota which is essential to the welfare of its people, it is hereby declared to be the policy of this state to promote the improvement of personnel management and relations between school boards of public school districts and their certificated employees by providing a uniform basis for recognizing the right of public school certificated employees to join organizations of their own choice and be represented by such organization in their professional and employment relationships with the public school districts.

Section 2. Definitions.) As used in this chapter:

1. "Teachers" means and includes all public school employees certificated under chapter 15-36 of the North Dakota Century Code and employed primarily as classroom teachers;
2. "Administrator" means and includes all public school employees employed primarily for administration of the school or schools of a school district and devoting at least fifty percent of their time in any one year to the duties of administration of the school or schools of a school district;

3. "Strike" means any concerted work stoppage, slow-down, or withholding of contracted services;
4. "Appropriate negotiating unit" means a group of teachers having common interests, common problems, a common employer, or a history of common representation, which warrants that group being represented by a single representative organization in negotiations with a school board;
5. "Appropriate negotiating unit" means a group of administrators having common interests, common problems, a common employer, or a history of common representation, which warrants that group being represented by a single representative organization in negotiations with a school board;
6. "Representative organization" means any organization authorized by an appropriate negotiating unit to represent the members of the unit in negotiations with a school board.

Section 3. Factfinding Commission—Appointment—Terms—Quorum.) There is hereby created a commission to be known as the "education factfinding commission", hereinafter called "the commission", which shall consist of three members, one to be appointed by the superintendent of public instruction, one by the governor, and one by the attorney general. The appointee of the superintendent of public instruction shall be the chairman of the commission. The members of the commission shall be persons experienced in educational activities. The original appointment by the superintendent of public instruction shall be for a term of three years. The original appointment by the governor shall be for a term of two years. The original appointment by the attorney general shall be for a term of one year. Their successors shall be appointed for terms of three years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. At all times, two members of the commission shall constitute a quorum.

Section 4. Compensation of Commission and Factfinders.) Members of the commission shall receive twenty-five dollars per day for their attendance at regular or special meetings of the commission or in the performance of such special duties as

the commission may direct. In addition to such compensation, they shall receive an allowance for actual and necessary travel and subsistence expenses while performing commission functions away from their places of residence. Factfinders, appointed by the commission, including commission members when so serving, shall be reimbursed for expense on the same basis as members of the commission and shall receive such compensation as the commission shall from time to time establish.

Section 5. Powers of the Commission.) The commission shall have the power to adopt its own rules and regulations. In addition to other powers authorized by law and under this Act, the members of the commission and any factfinder appointed by it, shall, in the performance of their duties, have the powers contained in sections 28-32-09, 28-32-10, 28-32-11, and 28-32-12 of the North Dakota Century Code.

Section 6. Cost of Factfinding.) The cost of factfinding proceedings, including per diem, compensation, and other costs, shall be borne as follows:

1. In those cases where the proceedings to resolve an impasse arises under subdivisions a, b, c, or d of subsection 1 of section 13 of this Act, the cost shall be borne equally among the contending parties.

Section 7. Right to Organize or Not Organize.)

1. Teachers, or administrators, shall have the right to form, join, and participate in the activities of representative organizations of their choosing for the purpose of representation on matters of employer-employee relations.
2. Teachers, or administrators, shall also have the right to refuse to join or participate in the activities of representative organizations.

Section 8. Right to Negotiate.) Representative organizations shall have the right to represent the appropriate negotiating unit in matters of employee relations with the school board. Any teacher, or administrator, shall have the right to present his views directly to the school board.

Section 9. Subject of Negotiations.) The scope of represen-

tation shall include matters relating to terms and conditions of employment and employer-employee relations, including, but not limited to salary, hours, and other terms and conditions of employment.

Section 10. Determination of Appropriate Negotiating Unit.) Representative organizations may be designated or selected by the majority of teachers, or administrators, employed in the public school district.

1. Any group of teachers, or administrators, employed in a public school district may determine an appropriate negotiating unit by filing with the school board a description of the grouping of jobs or positions which constitute the unit claimed to be appropriate. Upon receipt of such determination, the school board shall accept or reject the proposed appropriate negotiating unit. After the school board has accepted the appropriate negotiating unit, the teachers, or administrators, within such unit may designate or select a representative organization in the manner described in section 11 of this Act.

Section 11. Selection of Representative Organization.)

1. Uncontested selection. Any organization having an interest in representing teachers, or administrators, may file with the school board a petition alleging that it represents a majority of teachers, or administrators, included within an appropriate negotiating unit. Such petition shall be accompanied by evidence substantiating the allegation contained in it. Within ten days after receipt of such petition, the school board shall publish a notice of intent to consider the petition, by posting such notice in each school building in which members of the appropriate negotiating unit are employed. Not less than ten nor more than twenty days after publication of the notice of intent to consider, the school board shall investigate the petition, determine the question of representation, and publish its determination in the same manner as it published its notice of intent to consider. If the petition has not been contested, the school board shall recognize the petitioner as the representative organization of the appropriate negotiating unit unless it finds in good faith that a reasonable doubt of such representation exists.

2. Contested selection. Any organization having an interest in representing teachers, or administrators, and contesting the claim of representation made in the petition must file with the school board its written statement of contest with its evidence substantiating the allegation within ten days after the publication of the notice of intent to consider.
3. The school board shall call an election to determine the question of representation not less than twenty, nor more than thirty days after the posting of the notice of intent to consider, if:
 - a. The school board has failed to make and publish its determination; or
 - b. The school board has published its determination, and that determination has been contested by a petitioner or contestant.
4. The school board shall call an election to determine the question of representation not less than ten nor more than thirty days after twenty-five percent of the members of an appropriate negotiating unit petition for such election.
5. The conduct of the election shall be in the manner agreed to among the interested parties. If the interested parties cannot agree, the election shall be conducted in the manner determined by the commission under its rules and regulations.
6. When a representative organization has been selected, its authority to represent the negotiating unit shall continue for at least one year from the date of such selection.

Section 12. Good Faith Negotiations.)

1. The school board, or its representatives, and the representative organization, selected by the appropriate negotiating unit, or its representatives, shall have the duty to meet at reasonable times at the request of either party and to negotiate in good faith with respect to:

- a. Terms and conditions of employment and employer-employee relations.
 - b. The formulation of an agreement, which may contain provision for binding arbitration.
 - c. Any question arising out of interpretation of an existent agreement.
2. The parties must execute a written contract incorporating any agreement reached if requested by either party.
 3. Either party to a contract negotiated under this section may modify or terminate the contract on its annual anniversary date by giving notice of its desire to modify or terminate to the other party not less than sixty days prior to the annual anniversary date.
 4. The obligations imposed in this section shall not compel either party to agree to a proposal or to make a concession.

Section 13. Impasse Procedures.)

1. An impasse shall be deemed to exist under any of the following conditions:
 - a. Where an agreement as set forth in subdivision b of subsection 1 of section 12 of this Act has not been formulated and after a reasonable period of negotiation regarding terms and conditions of employment or employer-employee relations, a dispute exists between a school board and any representative organization, an impasse may be deemed to exist.
 - b. When both parties agree that an impasse exists.
 - c. In the event that the written agreement reached under section 12 of this Act does not include procedures for resolving a dispute which arises, an impasse may be deemed to exist.
 - d. Written agreements negotiated under section 12 of this Act may include procedures to be invoked in

the event of disputes under the contract. Where such procedures are inadequate to resolve the dispute an impasse may be deemed to exist.

2. An impasse may be resolved in the following manner:
 - a. The parties may agree upon mediation of the controversy by mutually selecting a mediator or mediators, and agreeing to a distribution of the cost of the mediation.
 - b. If mediation fails or is not attempted, the aggrieved school board of representative organization may request the commission to render assistance as provided in this section.
 - (1) Upon request of either contending party, and in the event that the commission determines that an impasse exists between a school board and a representative organization, the commission shall itself act as a factfinding commission or appoint a factfinder from a list of qualified persons maintained by the commission. If a factfinder is appointed, he shall have such powers as are designated to him by the commission and he shall make his recommendation to the commission. The commission shall consider the facts and make its findings and recommendation, or it shall consider the report and recommendation of its factfinder, and after such further investigation as it may elect to perform, it shall make its findings and recommendation. Within twenty days after the request to render assistance is received, the findings and recommendation of the commission shall be transmitted to the contending parties and if the issue is not then resolved, shall ten days thereafter be made public.
 - (2) In the event that facts are found or recommendations made under factfinding procedures agreed upon between the contending parties and the impasse continues, the commission may consider such findings and

recommendation without instituting its own factfinding procedures and from them issue its own findings and recommendations to the contending parties, and if the issue is not then resolved the commission shall within ten days thereafter make its findings and recommendations public.

Section 14. General Provision.)

1. No teacher, administrator or representative organization shall engage in a strike.
2. Nothing contained herein is intended to or shall conflict with, contravene, abrogate, or diminish the powers, authority, duties, and responsibilities vested in boards of education by the statutes and laws of the state of North Dakota.
3. School boards or administrative officers thereof shall not discriminate against teachers because of their exercise of rights under this Act.
4. A contract between the representative organization and the school board shall bar any other representative group from petitioning for recognition or for the withdrawal of existing recognition, for the term of the contract or three years, whichever is less.
5. Any teacher engaging in a strike or any other activity prohibited in subsection 1 hereof may be denied the full amount of his wages during the period of such violation.

Section 15. Savings Clause.) If any section, subsection, subdivision, sentence, or clause of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act.

Approved March 29, 1969.

CHAPTER 173

S. B. No. 371
(Longmire)

TEACHERS' INSURANCE AND RETIREMENT FUND**AN ACT**

To create and enact section 15-39-37.1 of the North Dakota Century Code, relating to the counting of advanced training as teacher service under the teachers' insurance and retirement fund; to amend and reenact sections 15-39-01, 15-39-15, 15-39-26, 15-39-29, 15-39-36, 15-39-40 and 21-10-06 of the North Dakota Century Code, relating to definitions, crediting of teaching service, withdrawal and reinstatement, retirement and annuity credits, investment of moneys, selection of retirement options, credit for military service under the teachers' insurance and retirement fund, and funds under the management of the state investment board.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Section 15-39-01 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39-01. Definitions.) In this chapter, unless the context or subject matter otherwise requires:

1. "Teacher" shall include:
 - a. All persons employed in teaching in any state institution or by any school board or other governing body of any school district of this state;
 - b. All superintendents, assistant superintendents, and business managers employed in any state institution or in the school system of any school district in this state except that in the case of the Grafton state school, the superintendent or assistant superintendent may, at his option, be defined as a teacher for the purposes of this chapter;
 - c. All principals, assistant principals, and special teachers in any state institution or in the school system of any school district in this state;

- d. The superintendent of public instruction and all county superintendents of schools and their assistants;
 - e. All supervisors of instruction;
 - f. All state school inspectors and supervisors;
 - g. Every person engaged as president, dean, school librarian, or registrar of any state institution;
 - h. The secretary of the North Dakota education association and any assistants to the secretary holding at least a first grade professional certificate;
 - i. The commissioner of higher education; and
 - j. Any person who serves in the capacity of substitute or part-time teacher and earns more than the maximum allowed by the Federal Social Security Act for the receipt of full social security benefits in any one school year.
2. "State institution" shall include:
- a. The university of North Dakota;
 - b. North Dakota state university;
 - c. All county agricultural and training schools;
 - d. All state teachers' colleges;
 - e. The school of forestry;
 - f. The school of science;
 - g. The school for the blind;
 - h. The school for the deaf and dumb;
 - i. The Grafton state school; and
 - j. The state training school.
3. "The board" shall mean the board of trustees of the teachers' insurance and retirement fund.

4. "The fund" shall mean the teachers' insurance and retirement fund.

The term "teacher" shall not include persons connected with any professional school or college of any state institution as lecturers who are engaged in the practice of their respective professions and with whom teaching is merely an avocation.

Section 2. Amendment.) Section 15-39-15 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39-15. Teacher Coming from School Not Included in Provisions of Chapter to Pay Back Assessments.) Any teacher who comes from a school or educational institution supported by public taxation out of North Dakota and becomes a teacher in a public school or state institution within North Dakota may elect to have any or all years of out-of-state teaching accredited in North Dakota provided he declares his request to the board of trustees of this fund for such out-of-state credit within the first year after he begins teaching in North Dakota or within one year of the time when such out-of-state teaching combined with teaching within North Dakota shall aggregate twenty-five years. Every such teacher shall be advised of the provisions of this section by the school board in writing at the time of employment, and a copy of such notice with written acknowledgment thereof, shall be filed with the teachers' insurance and retirement fund board. Before receiving any retirement annuity, he shall pay assessments to the fund for the number of years out-of-state teaching he elects based upon his first annual salary in a public school or state institution in this state, or, if he has taught in North Dakota previously, upon his first salary in the state after his resumption of teaching in this state. After July 1, 1949, assessment payments on out-of-state teaching shall be equal to the percentage or amount that would have been assessed against his salary and interest and the amount of matching payment and interest in dollars that would have been paid by the school district or state institution during the years immediately preceding employment in the state for which credit is granted. Any teacher who shall have paid assessments to the fund for out-of-state teaching in excess of the amounts herein provided under any law existing at such time shall upon his request have such excess assessment refunded to him. The rate of interest shall be equal to the rate being paid on one-year certificates of deposit by the bank of North Dakota.

Section 3. Amendment.) Section 15-39-26 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39-26. Investment of Moneys In Fund.) Investment of the fund shall be under the supervision of the state investment board in accordance with chapter 21-10, except that the state investment board shall have the authority to contract with insurance companies, trust banks, or other financial institutions to hold and invest fund moneys, provided that the total amount of all moneys so placed shall not exceed an amount equal to twenty percent of the total moneys of the fund. Such moneys shall be placed for investment only with a firm or firms whose primary endeavor is money management, and only after a trust agreement or contract has been executed. Such moneys may be expended by the state investment board by the preparation of an appropriate voucher and submitting such voucher to the department of accounts and purchases.

Section 4. Amendment.) Section 15-39-29 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39-29. Options of Teachers Eligible to Receive Annuities.) At any time after his retirement under the circumstances provided in this chapter and before the first annuity payment shall become due, a teacher may elect to receive the actuarial equivalent, at that time, of the regular retirement allowance for life, in the form of a reduced retirement allowance payable throughout his life with either, but not both of the following additional provisions:

OPTION ONE. Upon the death of the teacher, the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as the teacher shall have nominated by written designation filed with the board at the time of retirement; or

OPTION TWO. Upon the death of the teacher, one-half of the reduced retirement allowance shall be continued throughout the life of, and paid to, such person as the teacher shall have nominated by written designation filed with the board at the time of retirement.

The amount of the reduced retirement allowance payable upon the exercise of either of such options shall be computed upon an actuarial basis through the use of standard actuarial tables and based upon the ages of the teacher and his designated beneficiary. In the event that a teacher's death occurs subsequent to July 1, 1968, who has met all requirements for an annuity, but who fails to select one of the options provided in this section, the beneficiary may select either option one or option two, or, if the teacher has selected either option one or option two, but has not received any benefit or annuity, the beneficiary may elect to receive all the assessments paid by such teacher together with simple interest equal to the rate being paid on one-year certificates of deposit by the Bank of North Dakota. Such annuities shall commence as of the day of the teacher's death.

A teacher who has met all requirements for an annuity, except that of actual retirement from teaching, but continues to teach shall have the right to select option one or option two, as described in this section, and to name a beneficiary to receive, in the event of the teacher's death, the reduced retirement allowance as provided in this section and in section 15-39-28. If a continuing teacher should die before retiring from teaching, he shall be considered to have retired on the date of his death, and his designated beneficiary, if living, shall receive the retirement allowance for life as provided by the terms of the option selected by the beneficiary. The reduced retirement allowance shall be computed on the ages of teacher and beneficiary as of the date of death of the teacher. Should a continuing teacher later retire voluntarily, before death, then this section and section 15-39-28 shall apply. If an applicant for annuities under subsections of this section has not paid into the fund assessments equal to the amounts required to be paid under section 15-39-14, he shall pay any deficiency into the fund before receiving the annuity.

Section 5. Amendment.) Section 15-39-36 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39-36. Military Service in National Emergency Counted As Teaching Service.) A teacher who has been granted an honorable discharge from the United States armed forces for services rendered, if he was engaged in the occupation of teaching in North Dakota within twenty-four months of the time of entering the service, or who had been engaged in teaching in

North Dakota prior to such time but was attending an institution of higher learning for the purpose of improving himself in such profession within twenty-four months of the time of entry into the armed services, shall be entitled to have the time of such service counted as teaching service under the provisions of this chapter, upon the payment of the assessments which would have been collected from him if he had continued as a teacher during the time of such service. Such back assessments for military service and teaching time must be paid prior to or at the time of retirement under this chapter, provided that

1. The period of military service included shall not exceed seven years; and
2. A period of not less than the last five years of teaching must have been within the state of North Dakota; and
3. Payment on back assessments for years of teaching shall include simple interest at a rate equal to the rate being paid on one-year certificates of deposit by the Bank of North Dakota, provided that no interest shall be charged on assessments for time spent in the military service.

Any teacher who has elected to have such military service counted as teaching service may notify the board of his decision not to have such military service counted as teaching service, and shall have his assessment, and the accrued interest thereon, reduced correspondingly, provided that such decision and notification to the board shall be made prior to the time that any portion of the assessment for military service has been paid by him. Any teacher who shall have made payments of or upon back assessments for military service may, prior to retirement, notify the board of his intention to reject such military service credit, and the board shall forthwith refund to such teacher all assessments paid into the fund by such teacher as back assessments for military service together with simple interest at a rate of interest equal to the rate being paid on one-year certificates of deposit by the Bank of North Dakota. Any teacher claiming a refund of such assessments for military service may again at the time of his retirement elect to have such military service time credited to him as teaching service in accordance with the provisions of this section.

Section 6.) Section 15-39-37.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

15-39-37.1 Period of Advanced Training Counted as Teaching Service.) A teacher who, after July 1, 1969, attends a college, university, or other recognized school during periods other than summer sessions, for the purpose of improving his qualifications in the teaching profession shall be entitled to have such periods while in attendance at such college, university, or school credited as teaching service under the provisions of this chapter upon the payment of the assessments which would have been collected from him if he had continued as a teacher during the time of such college, university, or school attendance, plus the payment by him of the amount that would have been paid to the fund in his behalf from the school district or state institution where he was employed. Such back assessments must be paid prior to or at the time of retirement under this chapter, provided that:

1. The teacher must have taught at least one full school year in North Dakota immediately preceding his entrance into the college, university, or school and that immediately following such training he shall have taught not less than one full school year in a public school or state institution of this state; and
2. The period of college, university, or school attendance that may be credited as teaching service shall not exceed three full academic years, exclusive of summer schools; and
3. Payments on back assessments shall be based on the salary received by the teacher during the first year of teaching following the college, university, or school attendance, together with simple interest at a rate equal to the rate being paid on one-year certificates of deposit by the Bank of North Dakota, except that no interest shall be charged on assessments for the period while actually in attendance at the college, university, or school.

Section 7. Amendment.) Section 15-39-40 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39-40. Withdrawal of Member from Fund—Death of Member—Refund.) Any teacher who shall cease to be a teacher in the public schools or state institutions of this state without receiving any benefit or annuity from the fund upon such re-

tirement, upon making written application therefor to the board shall be entitled to the return of one-half of the amount of assessments which he has paid into the fund on salaries earned prior to July 1, 1947, and the return of the full amount of assessments which he has paid into the fund on salaries earned after July 1, 1947, with interest at a rate equal to the rate being paid on one-year certificates of deposit by the Bank of North Dakota. If such teacher, after having withdrawn from the fund as provided in this section, shall again become a teacher in the public schools or state institutions of this state, he may, prior to or at the time of retirement under this chapter, elect either to return to the fund the amount which was returned to him, with simple interest at a rate equal to the rate being paid on one-year certificates of deposit by the Bank of North Dakota, from the time of such withdrawal, or to commence participation in the fund as though teaching for the first time. Any teacher who shall have made payments for the purpose of returning withdrawals to the fund, may, prior to retirement, notify the board of his intention to reject credits for prior teaching in North Dakota, and the board shall thereupon refund to such teacher all money paid into the fund as a return of previous withdrawals, together with simple interest at a rate equal to the rate being paid on one-year certificates of deposit by the Bank of North Dakota. Any such teacher may again at the time of retirement under this chapter elect to return such withdrawals to the fund, and shall at the time be permitted to pay the amount of such withdrawals into the fund together with interest at a rate equal to the rate being paid on one-year certificates of deposit by the Bank of North Dakota, and receive credit for such prior teaching.

Any teacher who has elected to have out-of-state teaching service counted as teaching service under the provisions of this chapter, may notify the board of his decision not to have such out-of-state service counted as teaching service, and shall have his assessment, and the accrued interest thereon, reduced correspondingly, provided that such decision and notification to the board shall be made prior to the time that any portion of the assessment for out-of-state teaching service has been paid by him. If the teacher who is or was a member of the fund shall die before he has retired as provided in this chapter his designated beneficiary, or if no beneficiary has been designated, his executor or administrator, or if no executor or administrator has been appointed then the surviving spouse or heirs at law shall be entitled to receive from the fund the total

amount without interest to which the beneficiary or heirs may be entitled.

For purposes of this section, assessments returned or re-funded shall include those assessments that have been paid into the fund for military service and out-of-state teaching service.

Section 8. Amendment.) Section 21-10-06 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

21-10-06. Funds Under Management of Board—Accounts.) The board shall be charged with the investment of the following funds:

1. State bonding fund;
2. Teachers' insurance and retirement fund, in accordance with section 15-39-26;
3. State fire and tornado fund;
4. Workmen's compensation fund; and
5. Highway patrolmen's retirement fund.

Separate accounts shall be maintained for each of the above funds and the moneys or securities of the individual funds shall not be commingled. However, when it is deemed advantageous in the purchase, sale, or exchange of securities, securities belonging to one or more of the funds or the Bank of North Dakota may be purchased, sold, or exchanged as part of a single transaction. In the event of such sale, the respective funds shall immediately be credited with their proportionate share of the proceeds. In the event of such purchase or exchange, title to the securities shall be taken in the name of the individual funds, proportionate to their share of the total purchase price.

The board of university and school lands shall consult with the state investment board of the director thereof on investment policies, and the board of university and school lands may delegate authority to the state investment board or the investment director to make such purchases, sales, or exchanges on its behalf.

Approved March 29, 1969.

S. B. No. 258
(Longmire)

**ASSESSMENTS UNDER TEACHERS'
INSURANCE AND RETIREMENT PROGRAM**

AN ACT

To create and enact section 15-39-42 of the North Dakota Century Code, relating to freezing of certain rights and obligations under the teachers' insurance and retirement fund; and to amend and reenact sections 15-39-14 and 15-39-17, subsection 1 of section 15-39-28, and section 15-39-28.1 of the North Dakota Century Code, relating to amount of assessment, forwarding of assessment, amount of annuity, and annuity minimums under the teachers' insurance and retirement fund.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Section 15-39-14 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39-14. Amount of Assessments.) Every teacher who is a member of the fund shall be assessed upon his salary for the teachers' insurance and retirement fund. The total amount of assessments paid, however, shall not be less than the full amount of annuity to which the teacher shall be entitled under the provisions of this chapter for the first year of retirement. When a political subdivision or institution covered by the benefits of the teachers' retirement fund provides sick leave and employs substitute teachers at additional cost to said subdivisions or institutions, they shall be assessed three percent per annum but in no event be required to pay in excess of one hundred fifty dollars per year as matching fund for any one teaching position. Teachers employed on a full-time basis shall be assessed three percent per annum, but not more than two hundred twenty-five dollars per year.

Section 2. Amendment.) Section 15-39-17 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39-17. Assessments and Contributions and Statements Thereof To Be Forwarded to County Treasurer.) The disbursing

officers of each school district, and of each county, between June twentieth and June thirtieth of each year, shall forward to the treasurer of the county the assessments deducted and retained as provided in this chapter, and in addition thereto, contributions to the fund in an amount equal to assessments shall be set aside from funds available for the payment of the salary of the teachers, except that no contribution by any school district, as determined by a teacher's contribution, shall exceed two percent of the teacher's salary or one hundred fifty dollars per year as matching fund for any one teaching position. Such contributions shall be forwarded to the treasurer of the county. Provided, however, that if a teacher fails to complete the term, the district shall not be required to match said teacher's salary in entirety but shall pay the proportional part of the maximum assessments required for the time that teacher taught, unless such requirement increases the amount of assessments to be paid in which event the assessments shall be that computed on the actual salary the teacher received. Said disbursing officer shall forward the contributions with a statement, verified by the clerk of the school district or the county auditor, as the case may be, and containing the following information:

1. The name and monthly salary of each teacher;
2. The number of months of school taught during the school year for which the statement is made by each teacher in the public schools of the district or school organization over which the governing board has jurisdiction;
3. The number of months during which schools were operated in each district or school organization in the year covered by the report;
4. The total salary of each teacher;
5. The total amount withheld from the salary of each teacher and contributed by the school district or county in accordance with the provisions of this chapter;
6. The total amount withheld from the salaries of all the teachers in the district or school organization for the school year next preceding; and
7. The total number of years each teacher listed in the report has taught in the public schools of the state.

Section 3. Amendment.) Subsection 1 of section 15-39-28 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. If said teacher shall have attained the age of fifty-five years at the time of applying for the annuity, he annually and for life, shall be entitled to receive as an annuity a sum equal to two percent of the total earnings as salary for the years of teaching service for which assessments were paid. Said annuity, however, shall not be less than seven hundred fifty dollars in any one year upon completion of twenty-five years of service and shall be subject to all the provisions of this chapter. Provided, however, a teacher who has completed twenty-five years of teaching service in compliance with the retirement law and has earned an annuity of fifteen hundred dollars at that age and continues to teach beyond that time shall be eligible to annuity increases of seventy-five dollars per year, for each year of teaching thereafter. Provided further that a teacher who has completed twenty-five years of teaching service in compliance with retirement law and attained the age of fifty-five may have her annuity calculated at that age and granted the seven hundred fifty dollar minimum if her total salary is less than thirty-seven thousand five hundred dollars. Provided further that if said teacher continues to teach the annuity shall be increased by one hundred twenty-five dollars per year until the annuity reaches fifteen hundred dollars after which time the annuity shall be increased by seventy-five dollars per year.

Section 4. Amendment.) Section 15-39-28.1 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39-28.1 Retirement Annuities—Minimum.) Notwithstanding any other provision of law to the contrary, the amount of annuity payable to any teacher who has retired under the provisions of this chapter after the completion of twenty-five years of teaching, shall not be less in amount than the sum of seventy-five dollars per month, but the provisions of this section shall not apply to the annuity of any teacher who has selected retirement allowance option 1 or 2 as contained in section 15-39-29 or the retirement option provided in subsection 4 of section 15-39-27. Provided, however, that any teacher who has taught in North

Dakota and paid into the fund for twenty-five years or more and has reached the age of sixty-five shall receive an annuity of not less than the sum of one hundred dollars per month.

Section 5.) Section 15-39-42 of the North Dakota Century Code is hereby created and enacted to read as follows:

15-39-42. Certain Rights and Obligations Fixed.) Notwithstanding any other provision of chapter 15-39, the laws pertaining to the teachers' insurance and retirement fund as contained in chapter 15-39 shall apply to teachers, superintendents, assistant superintendents, principals, assistant principals, special teachers, supervisors of instruction and other supervisors, presidents, deans, school librarians, and registrars employed by any state institution under the supervision and control of the board of higher education and the commissioner of higher education, only in the form and substance as such chapter 15-39 existed as of July 1, 1967, and all such persons shall have only such rights, benefits, and privileges as provided in chapter 15-39 as it existed on July 1, 1967. Such persons shall be responsible or liable for only those costs or assessments provided for in chapter 15-39 as such laws and chapter existed on July 1, 1967. The board of higher education or any institution under the supervision or control of the board of higher education shall not be liable for any costs, assessments, or payments under the provisions of chapter 15-39 in excess of that provided or required under the provisions of chapter 15-39 as such laws and chapter existed on July 1, 1967. It is hereby declared to be the intent of the legislative assembly to freeze the rights, benefits, privileges, assessments, payments, and obligations of the persons, offices, and institutions specified in this section to those rights, benefits, privileges, assessments, payments, and obligations as they existed under the provisions of chapter 15-39 as such laws and chapter existed in form and substance as of July 1, 1967, and that all legislative enactments subsequent to such date shall not affect or apply to those persons, offices, and institutions specified in this section or their rights, benefits, privileges, assessments, payments, and obligations as fixed by this section.

Approved March 28, 1969.

CHAPTER 175

S. B. No. 432
(Lips, Trenbeath, Nasset)

LEGISLATIVE INTENT IN REGARD
TO THE FOUNDATION PROGRAM

AN ACT

To amend and reenact section 15-40-12 of the North Dakota Century Code, relating to the foundation program payments.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Section 15-40-12 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40-12. Declaration of Legislative Intent.) It is the intent of the legislative assembly to support elementary and secondary education in this state from state and county funds based on the educational cost per pupil exclusive of the cost of physical facilities, transportation and current indebtedness. It is hereby found that the educational cost per pupil during the first year of the 1969-1971 biennium is two hundred thirty dollars and for the second year of the biennium the educational cost is two hundred forty dollars and shall be the basis for calculating grants-in-aid on a per-pupil basis as provided in sections 15-40-14 and 15-40-24. School districts operating high schools not meeting the minimum curriculum as provided in section 15-41-24 or the teacher qualifications in section 15-41-25 shall have an educational cost of two hundred twenty dollars which shall be the basis for calculating grants-in-aid on a per-pupil basis as provided in section 15-40-14 for the school year of 1970-71.

Approved March 28, 1969.

CHAPTER 176

H. B. No. 368
(Burke)

DETERMINATION AND PAYMENT
OF TUITION

AN ACT

To amend and reenact subsection 14 of section 15-29-08 and section 15-40-17 of the North Dakota Century Code, relating to determining the tuition cost, payment of tuition, and making high school tuition optional.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Subsection 14 of section 15-29-08 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

14. To admit to the schools of the district pupils from other districts when it can be done without injuring or overcrowding the schools, and make regulations for the admission of such pupils. The board may make proper and necessary rules for the assignment and distribution of pupils to and among the schools in the district and for their transfer from one school to another. When an elementary pupil is admitted from another district, credit on his tuition shall be given by the district admitting him to the extent of school taxes paid in the admitting district by the parent or guardian of the admitted pupil. If the attendance of an elementary pupil from another district is necessitated by shorter distance or other reasons of convenience, approval or disapproval shall be given by a three-member committee consisting of the county judge, state's attorney, and the county superintendent of schools within fifteen days after consulting the school boards of both districts concerned, and the balance of the tuition, after credit for taxes paid and the credit allowed for county equalization fund payments according to the provisions of section 15-40-26, shall be paid by the district from which the pupil is admitted, but the whole amount of the tuition shall equal the average cost of elementary education per child in the

county. It is the intent of the legislative assembly that school districts educating pupils in other school districts shall pay the full cost of education. Such cost shall be determined on the basis of average daily membership and shall include annual expenditures from the general fund and annual educational expenditures from all special funds. To such average current operating expense in the county shall be added double the statewide total of all school districts' annual expenditures from sinking and interest funds plus double the statewide total of all school districts' annual tax receipts to the building funds divided by the average daily membership of the state which shall be the average cost per pupil for tuition purposes in the county. Districts not complying with the decision of the committee herein provided shall forfeit their county equalization payments to the schools receiving the pupils. The board may admit pupils residing in unorganized territory adjacent to the district to the schools in the district and may arrange with the parents or guardians of such pupils for the payment of tuition. The admission of nonresident high school students shall be governed by the provisions of chapter 15-40.

A school board may admit elementary pupils from other districts to its schools when it can be done without injury or overcrowding the schools even if such pupils have not received approval from the school board of their residence or from the three-member county committee provided the parent or guardian pays the tuition of each pupil, which tuition shall be equal to the actual per pupil cost of educating an elementary pupil in the admitting district for the previous school year, calculated in the same manner as provided in section 15-40-17.1, except that such calculations shall be based on elementary school costs. Not less than one-half of the yearly tuition shall be paid by the parent or guardian in cash on the date of enrollment and the school board of the admitting district shall execute a contract in writing with the parent or guardian requiring any balance of the tuition to be paid in cash on or before the first day of the second semester.

Section 2. Amendment.) Section 15-40-17 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40-17. High School Payments are Exclusive—Exception.) No school district shall charge or collect from any nonresident high school student, his parents or guardian, or the district of his residence, any registration, textbook, or laboratory fee, or any other fee or charge which is not charged to or for all resident high school students. However, a high school district shall charge tuition for nonresident high school students. The whole amount of such tuition, except as hereinafter provided, shall be paid by the district from which the pupil is admitted and shall equal the average cost of high school education per child in the county less payments from county equalization funds and from the state under this chapter. It is the intent of the legislative assembly that school districts educating pupils in other school districts shall pay the full cost of education. Such costs shall be determined on the basis of average daily membership and shall include annual expenditures from the general fund and annual educational expenditures from all special funds. To such average current operating expense in the county shall be added double the statewide total of all school districts' annual expenditures from sinking and interest funds plus double the statewide total of all school districts' annual tax receipts to the building funds divided by the average daily membership of the state which shall be the average cost per pupil for tuition purposes in the county. Credit on tuition charges shall be given by the admitting district to the extent of school taxes paid to the admitting district by the parent or guardian of the admitted student. In the event any district not providing high school education shall fail or refuse to pay the tuition charges, the admitting district shall notify the county superintendent of schools of the county of residence of the student and the state superintendent of public instruction of such fact, and upon verification by the county superintendent of schools that such tuition payments are due the admitting district, all county equalization fund payments and payments from the state under this chapter to the district of residence of the student shall be withheld until the tuition due the admitting district has been fully paid.

The parent or guardian of any student who is a resident of a district providing a high school education may apply to the school board of the school district of residence of the student

for approval of the payment of tuition charges to another school district for attendance of the student at the high school in such other school district. If the school board of the district of residence shall approve such application, it shall pay the tuition charges in accordance with the application as approved. In the event such application shall be disapproved, the parent or guardian of the child may appeal the question to the county superintendent of schools, and a committee consisting of the county judge, state's attorney, and the county superintendent of schools shall within fifteen days consult with the school boards of the districts concerned and with the parent or guardian of the student concerned and render a decision in regard to the tuition charges. If the committee shall find the attendance of the student in question is necessitated by shorter distance, previous attendance in another high school, inadequacy of curriculum considering the educational needs of the particular student, or other reasons of convenience it may approve the payment of such tuition charges. The school district of residence of the student shall thereafter be required to pay such tuition charges, and upon notification by the admitting district of the failure of the district of residence to pay such tuition charges, all county equalization payments and payments from the state under this chapter to the district of residence shall be withheld in the same manner as provided in this section in the case of a district not providing a high school education. If the committee shall find that the attendance of the student at a high school outside the district is not necessitated by shorter distance, previous attendance in another high school, inadequacy of curriculum considering the educational needs of the particular student, or other reasons of convenience, the district of residence shall not be required to pay such tuition charges. The decision of the committee may be appealed to the state board of public school education, and the decision of such board shall be binding upon all parties. The school board of any school district approving the payment of high school tuition charges or required to make such payments under the provisions of this section may levy an amount sufficient to pay tuition charges which levy shall not be subject to any mill levy limitations prescribed by law. This chapter, however, shall not affect the right of a school district to charge and collect such tuition as may be fixed by agreement from students who are not residents of this state.

Approved March 29, 1969.

S. B. No. 35
(Berube, Jacobson, Longmire, Nasset)
(Redlin, Roen, Ruummele)
(From Legislative Research Committee Study)

SCHOOL FOUNDATION AID PAYMENTS

AN ACT

To amend and reenact sections 15-29-08, 15-40-14, 15-40-16, 15-40-18, 15-40-19, and 15-40-24 of the North Dakota Century Code, relating to foundation aid payments to eligible school districts based upon current enrollments and subsequent adjustment of payments based upon average daily membership.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Subsection 3 of section 15-29-08 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. To send pupils into another school district when, because of shorter distances and other conveniences, it is to the best interests of the school district to do so, and in such instances the board may pay the tuition of such pupils to the district to which they are sent. The school board may make arrangements for the education of pupils in a federal school and contract with federal officials for such education. Such contracts may be in the form of tuition charges mutually agreed upon, the sharing of education operational costs and facilities, or any other type of contract which will be agreeable to the school district. The board may arrange, and when petitioned to do so by a majority of electors of the district shall arrange, with the school boards of other districts to send to such other districts pupils who can be taught conveniently therein, and for the payment of their tuition and for furnishing and paying for their transportation to and from the schools in such other districts. The admitting districts shall receive pupils only when schools of the admitting districts will not be injured or overcrowded and the board of the sending district and the board or boards of the receiving district or districts have entered into an agreement governing the

attendance of such pupils as may be enrolled or when tuition will be paid by a parent or guardian in the manner provided in subsection 14 of this section. The school district in which a child resides at the time any court order or act of a juvenile commissioner, or placement by a county or state welfare agency with parental or guardian consent, shall have been issued requiring such child to stay for any prescribed period at a foster home or a home maintained by any nonprofit corporation, shall be construed to be the residence district of such child for purposes of applying this subsection or section 15-40-17 relating to tuition payments, whenever such child shall attend any public schools. Such residence district shall be liable for tuition in the amount provided in such sections upon claim by the district in which such child is attending school, except in the event of placement by a county or state welfare agency with parental or guardian consent, such determination of tuition may be subject to an appeal to the county superintendent of schools and a committee consisting of the county judge, state's attorney and the county superintendent of schools who shall within fifteen days consult with the school board of the districts concerned and with the parent or guardian of the student concerned and render a decision in regard to the tuition charges.

Section 2. Amendment.) Section 15-40-14 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40-14. Payment from County Equalization Fund—Amount—Student Attending School in Foreign State.) There shall be paid each year from the county equalization fund to all school districts operating high schools, to school districts contracting to educate high school pupils in a federal Indian school, all county agricultural and training schools, the state school for the blind, the state school for the deaf and state training school, that amount of money resulting from multiplying the factor 1.32 times the educational cost per pupil as provided in section 15-40-12 for each high school pupil registered in such schools each year subject to adjustment of such amount as provided in section 15-40-16. However, no payment shall be made for those pupils for whom federal agencies provide education. Such payments shall not be made unless four or more units of standard high school work approved by the superintendent

of public instruction are offered during the current year, only certificated teachers have been employed, teachers have been paid not less than the minimum legal salaries, and the other standards prescribed by this chapter have been met. Districts that did not maintain high schools during the year of 1954-1955 shall not be eligible for payments unless they have a minimum enrollment of twenty-five pupils if four years of high school work are offered, a minimum enrollment of twenty pupils if three years of high school are offered, a minimum enrollment of fifteen pupils if two years of high school work are offered, and a minimum enrollment of ten pupils if one year of high school is offered. A student who lives within twenty miles of another state or in a county bordering on another state and in a school district which has no high school, or which does have a high school and the attendance has been authorized in accordance with the provisions of section 15-40-17, with the approval of the county superintendent of schools, may attend a four-year public high school in an adjoining state and payments from the county equalization fund shall be paid to the district in which the high school which he attends is located in the amount provided for in this section.

Section 3. Amendment.) Section 15-40-16 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40-16. Application for Payments—Verification and Adjustment of Payments—Report of County Superintendent of Schools—Appeal.) Immediately upon the completion of the registration of students at the beginning of each school year and in no event later than September tenth of each year the clerk of each district claiming payments from the county equalization fund under the provisions of this chapter shall file with the county superintendent of schools a claim on a form prescribed by the superintendent of public instruction stating the number of students registered in high school and elementary grades, and such other information as may be reasonably requested by the superintendent of public instruction. Not later than December first the superintendent of public instruction shall certify to the department of accounts and purchases a list of the school districts and schools not operated by school districts entitled to payments from the county equalization fund, together with the amounts to which the several districts and schools are entitled. Such certification by the superintendent of public instruction shall include for

each school district and school not operated by a school district, when appropriate, an adjustment in the amounts to which the districts and schools are entitled based upon the difference between payments made under this chapter to such districts and schools for the previous school year as compared to the amount calculated, as provided in sections 15-40-14 and 15-40-24, upon the average daily membership during the previous school year. For purposes of this chapter, "average daily membership" shall mean the total days all students in a given school are in attendance, including legal school holidays and days set aside for a North Dakota education association convention, plus the total days all students are absent, divided by one hundred eighty days. School districts educating children of agricultural migratory workers during the months of June, July, and August shall not be restricted to payments for a one-hundred-eighty-day school term.

Immediately upon the termination of the school year and in no event later than July fifteenth of each year the clerk of each district receiving payments from the county equalization fund under the provisions of this chapter shall file with the county superintendent of schools a verified statement of the name, residence, and the average daily membership as provided for in this section, and number of units of high school work taken by each high school student enrolled during the previous school year. Such statement shall be attested to by the county superintendent of schools. The county superintendent shall investigate the validity of the statement and shall determine the residence and other qualifications of each student named in the statement filed with him. He shall certify to the superintendent of public instruction on or before September first of each year the number of enrolled students in each district in his county for the previous school year upon which any adjustment may be based as provided in this section. At the same time, he shall give notice to any district the statement of which has been disallowed in whole or in part and shall state in such notice the name of any student disallowed for inclusion in the statement. Any district may appeal to the superintendent of public instruction from the determination of the county superintendent of schools on or before September fifteenth in the year in which the determination is made. The superintendent of public instruction may change or modify the determination of the county superintendent if the evidence submitted by the district warrants a modification. The judgment of the superintendent of public instruction shall be final.

Section 4. Amendment.) Section 15-40-18 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40-18. Determination of Sums Due County Equalization Funds.) For purposes of this section:

1. "County average" means the countywide average percentage of market value at which taxable property in a county has been assessed after final equalization; and
2. "State average" means the statewide average percentage of market value at which all taxable property in the state has been assessed after final equalization.

Immediately following the final meeting of the state board of equalization, the state tax commissioner shall certify to the superintendent of public instruction the countywide average percentage of market value at which all taxable property in each county has been assessed after final equalization and the statewide average percentage of market value at which all taxable property in the state has been assessed after final equalization. The superintendent of public instruction shall then determine the amount of the grants-in-aid to which each county is entitled. Any county which, according to the certificate of the tax commissioner, has a county average that is equal to the state average, shall be entitled to a sum determined by subtracting from the full amount of the payments to be made in the county, the product of the taxable assessed valuation of property in the county multiplied by twenty and five-tenths mills, and the balance will be the amount of aid to which the county is entitled.

Any county which, according to the certificate of the tax commissioner, has a county average that is less than the state average, shall be entitled to a sum determined by subtracting from the full amount of the payments to be made in the county, the product of the taxable assessed valuation of property in the county after adjusting such valuation upwards to equal the taxable valuation of property that would have existed for such county had the property in such county been assessed at the state average, by twenty and five-tenths mills. The balance will be the amount of aid to which the county is entitled for such fund.

Any county which, according to the certificate of the tax commissioner, has a county average that is more than the state average, shall be entitled to a sum determined by subtracting from the full amount of the payments to be made in the county the product of the taxable assessed valuation of the property in the county after adjusting such valuation downwards to equal the taxable valuation of property that would have existed for such county had the property in such county been assessed at the state average, by twenty and five-tenths mills. The balance will be the amount of aid to which the county is entitled for such fund.

The superintendent of public instruction shall determine the product of the taxable valuation of property in the county, after adjusting such valuation upwards or downwards to equal the taxable valuation of property that would have existed for such county had the property in such county been assessed at the state average, by twenty-one mills. The superintendent of public instruction shall certify such amount to the county auditor of each county, that has a county average that is less than or more than the state average, which shall be converted to mills and levied by the county auditor upon all taxable property in the county in lieu of the twenty-one mill levy specified in section 57-15-24.

Section 5. Amendment.) Section 15-40-19 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40-19. Distribution of Payments to County Equalization Funds—Duty of Department of Accounts and Purchases.) The superintendent of public instruction shall certify to the department of accounts and purchases a list of all county equalization funds in the state together with a statement of payments equal to one-fourth of the total payments made to each respective equalization fund during the previous fiscal year and the department of accounts and purchases shall pay each county equalization fund such amounts due from the general fund, within the limits of legislative appropriation, upon warrants prepared and issued by the department and signed by the state auditor on or before September fifteenth of each year. The superintendent of public instruction, after certifying to the respective county auditors the amount that shall be levied on all taxable property in accordance with section 15-40-18, shall determine what amounts in addition to the September

fifteenth payments are necessary to constitute one-half of the payments due to each county equalization fund for the current school year and shall certify to the department of accounts and purchases a list of all county equalization funds in the state together with a statement of the payments due such funds. The department of accounts and purchases shall pay to each county equalization fund from the general fund, within the limits of legislative appropriation, upon warrants prepared and issued by the department and signed by the state auditor, the amounts needed in addition to the September fifteenth payment in order to constitute fifty percent of the sum found to be due under the provisions of this chapter on or before December first, on or before February first payments equal to one-fourth of the total payments made to each respective equalization fund and the balance on or before April first.

Section 6. Amendment.) Section 15-40-24 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40-24. Elementary Per-Pupil Payments—Amount.) There shall be paid out of the county equalization fund, to the school districts of the county operating elementary schools, to school districts contracting to educate elementary pupils in a federal Indian school, and to the state school for the blind, the state school for the deaf and the state training school, employing teachers holding valid certificates or permits, payments based on the number of registered students at the beginning of each school year and as such number may be adjusted as provided for in section 15-40-16, the following amounts:

1. In one-room rural schools there shall be paid that amount of money resulting from multiplying the factor of 1.25 times the educational cost per pupil as provided in section 15-40-12 for each of the first sixteen pupils in average daily membership and for each additional pupil in average daily membership there shall be paid .9 times the educational cost per pupil as provided in section 15-40-12 except that no payment shall be made for more than twenty pupils in average daily membership; and
2. In elementary schools having under one hundred pupils in average daily membership there shall be paid that amount of money resulting from multiplying the factor of 1 times the educational cost per pupil as provided in

section 15-40-12 for each of the first twenty pupils in average daily membership in each classroom or for each teacher and for each additional pupil in average daily membership in each classroom or for each teacher there shall be paid .9 times the educational cost per pupil as provided in section 15-40-12 except that no payment shall be made for more than twenty-five pupils in average daily membership in each classroom or for each teacher; and

3. In elementary schools having one hundred or more pupils in average membership there shall be paid that amount of money resulting from multiplying the factor of .9 times the educational cost per pupil as provided in section 15-40-12 for each of the first thirty pupils in average daily membership in each classroom or for each teacher except that no payment shall be made for more than thirty pupils in average membership in each classroom or for each teacher.

Section 7. Payments Under Former Law.) Notwithstanding the provisions of this Act, in no case shall a school district receive foundation aid payments for the 1969-1970 school year in an amount less than such school district was entitled to receive for such school year under applicable laws and legislative appropriations therefor in effect on September 15, 1968.

Approved March 29, 1969.

CHAPTER 178

H. B. No. 172
(Eagles, Giffey, R. Peterson, Aas)

SCHOOL DISTRICT CENSUS

AN ACT

To amend and reenact subsection 16 of section 15-29-08 and section 15-47-13 of the North Dakota Century Code, relating to the enumeration in school districts, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Subsection 16 of section 15-29-08 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

16. To cause an enumeration to be made, between the first and thirty-first days of May in each odd-numbered year, of all persons under twenty-one years of age within the school district, and to return the same to the county superintendent of schools.

Section 2. Amendment.) Section 15-47-13 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-13. School Census—Report.) The school board of each public school district shall cause an enumeration to be made between the first and thirty-first days of May of each odd-numbered year, of all persons under twenty-one years of age, as of such thirty-first day of May, having their legal residence in the district. The census also shall include the following information:

1. The names and ages of such persons and the names of parents or guardians having the care and custody of each;
2. The names and ages of all deaf, blind, and mentally deficient persons between the ages of five years and twenty-five years residing in the district, in-

cluding all such persons who are too deaf or mentally deficient to acquire an education in the common schools;

3. The names and ages of all crippled persons of any age residing in the district; and
4. The names and post-office addresses of the parents or guardians of all of the persons mentioned in subsections 2 and 3 of this section.

The enumeration shall be made upon and in accordance with forms furnished by the county superintendent of schools, and shall be approved by the school board and returned to the county superintendent prior to the fifteenth day of July in the year in which it is made, and immediately upon receipt of such report the county superintendent of schools shall furnish a copy of the enumeration of deaf persons to the superintendent of the school for the deaf, a copy of the enumeration of blind persons to the superintendent of the school for the blind, and a copy of the enumeration of mentally deficient persons to the superintendent of the Grafton state school.

Section 3. Emergency.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 10, 1969.

CHAPTER 179

H. B. No. 142
(Bier)

ADVERTISEMENT FOR BIDS ON
SCHOOL DISTRICT CONTRACTS

AN ACT

To amend and reenact section 15-47-15 of the North Dakota Century Code, relating to school contracts.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Section 15-47-15 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-15. School Contracts—Advertisement for Bids—Publication—Exceptions.) No contract involving the expenditure of an aggregate amount greater than two thousand dollars, except as hereinafter set forth, shall be entered into by any school district of any kind or class except upon sealed proposals and to the lowest responsible bidder after ten days' notice by at least one publication in a legal newspaper published in the county in which the school district, or a portion thereof, is located. If no newspaper is published in such county, the publication shall be made in a newspaper published in an adjacent county. The provisions of this section shall not apply to the following classes of contracts, namely:

1. For personal services of employees of the district;
2. For school text or reference books;
3. For any article which is not for sale on the open market;
4. For any patented, copyrighted, or exclusively sold device or feature required to match articles already in use;
5. For any patented, copyrighted, or exclusively sold article of so distinctive a nature that only one make of the article can be purchased; or

6. Any building contract.

Such exceptions shall be strictly construed. Every member of a school board who participates in a violation of this section shall be guilty of a misdemeanor.

Approved March 8, 1969.

CHAPTER 180

H. B. No. 166

(Sanstead, Dick, Giffey, Olienyk, Strinden, Haugland)
(Aamoth, Tweten, J. Peterson, Aas, Diehl, Bier)

COOPERATIVE AGREEMENTS FOR
STUDENT TEACHING

AN ACT

Authorizing cooperative agreements for student teaching and establishing the status and authority of student teachers.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Cooperative Agreements for Student Teaching and Supervised Field Experiences.) The school board of any public school district is hereby authorized to enter into cooperative agreements and financial arrangements for the use of the public schools of the school district for student teaching or supervised field experience with any teacher training institution. Any such agreement may provide for the payment by the institution for the services rendered by the school district of an amount not to exceed the actual cost to the school district for the services rendered by the school district and its employees.

Section 2. Payment of Cost from Public Funds.) The board of higher education is hereby authorized to pay for the services of any public or private school or of any public or private school administrators, teachers, or employees of an amount not to exceed the actual cost of their services in training student teachers. The amount may be paid either directly to the school employee or to the school district as determined by the agreement with the school district or private school. Be it further

provided that nothing herein shall authorize the school district to pay a student teacher for services rendered.

Section 3. Status and Authority of Student Teachers.) Any student teacher, during the time such student teacher is assigned as a student teacher, shall be given the same legal authority and status as if the student teacher were a certificated employee of the school district in which he is assigned. The authority of the student teacher shall extend to all aspects of student management or discipline, in the handling of confidential records of students, and in all other aspects of legal authority granted to certificated employees of the school districts in the state. The student teacher shall be deemed a certificated employee of the district with respect to acts performed by him at the direction, suggestion, or consent of the certificated employees under whose supervision and control the holder performs his duties, whether or not such duties are performed entirely in the presence of the employees of the district assigned to supervise the holder, and shall be deemed an employee of the school district within the meaning of sections 39-01-08 and 40-43-07 relating to liability insurance carried by political subdivisions.

Approved March 14, 1969.

CHAPTER 181

H. B. No. 282
(Knudson)

**CANCELLATION OF INSTRUCTION
CONTRACT AND REFUND OF TUITION**

AN ACT

To create and enact sections 15-50-09, 15-50-10, and 15-50-11 of the North Dakota Century Code, relating to cancellations, refund of tuition payments, and negotiation of promissory instruments by private trade and correspondence schools.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1.) Section 15-50-09 of the North Dakota Century Code is hereby created and enacted to read as follows:

15-50-09. Refund of Tuition Fees.) Private trade and correspondence schools shall refund tuition and other charges when written or oral notice of cancellation is given by the student in accordance with the following schedule:

1. When notice is received within seven days after completion of the first day of instruction, all tuition and other charges except twenty-five dollars thereof shall be refunded to the student.
2. When notice is received within thirty days after completion of the first day of instruction, or prior to the completion of one-fourth of the course, all tuition and other charges except twenty-five percent thereof shall be refunded to the student.
3. When notice is received upon or after completion of one-fourth of the course, but prior to the completion of one-half of the course, all tuition and other charges except fifty percent thereof shall be refunded to the student.
4. When notice is received upon or after the completion of fifty percent of the course, no tuition or other charges shall be refunded to the student.

The provisions of this section shall not prejudice the right of any student to recovery in an action against any private trade or correspondence school for breach of contract or fraud.

Section 2.) Section 15-50-10 of the North Dakota Century Code is hereby created and enacted to read as follows:

15-50-10. Negotiation of Promissory Instruments.) No private trade or correspondence school shall negotiate any promissory instrument received as payment for tuition or other charges prior to the completion of one-half of the course of instruction.

Section 3.) Section 15-50-11 of the North Dakota Century Code is hereby created and enacted to read as follows:

15-50-11. Cancellation of Contract for Instruction.) Any person shall have the right for any cause to rescind, revoke, or cancel a contract for a course of instruction at any private trade or correspondence school within seven days after entering into such contract without incurring any tort or contract liability. In such event, the private trade or correspondence school may retain the amount of tuition and other charges as set forth in subsection 1 of section 15-50-09.

Approved March 25, 1969.

S. B. No. 100
(Longmire)

BOARD OF HIGHER EDUCATION
MAY ISSUE BONDS FOR REVENUE
PRODUCING BUILDINGS

AN ACT

To amend and reenact section 15-55-02 of the North Dakota Century Code, relating to the borrowing of moneys and issuing of bonds for revenue producing buildings by the board of higher education.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Section 15-55-02 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-55-02. Board May Borrow Money and Issue Bonds—Conditions—Bonds Tax Free.) For the purpose of paying all or part of the cost of construction, equipment and furnishing of any such buildings or any addition to existing buildings, or other campus improvements, or in order to refund any outstanding bonds issued for such purpose, the state board of higher education may borrow money on the credit of the income and revenue to be derived from the operation of the said building or buildings or other campus improvements, and, in anticipation of such collections of such income and revenues, may issue negotiable bonds in such an amount as, in the opinion of said board, may be necessary for such purposes, all within the limits of the authority granted by the legislative assembly in each instance, and may provide for the payment of such bonds and the rights of the holders thereof as provided in this chapter. Such bonds shall be payable serially, and may be issued in one or more series, may bear such date or dates, may mature at such time or times not exceeding fifty years from their date, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be executed in such manner, may be payable in such medium of payment at such place or places, may be subject to such terms of redemption with or without premium, and may bear such rate or rates of interest as may be provided

by resolution or resolutions to be adopted by the state board of higher education. Such bonds may be sold in such manner and at such price or prices not less than par plus accrued interest to date of delivery, as may be considered by the board to be advisable, but interest cost to maturity for any bonds issued hereunder shall not exceed six and one-half percent per annum, computed on the basis of average maturities according to standard tables of bond values. Any grants agreed to be made by the United States of America or any agency or instrumentality thereof to reduce the interest cost of bonds, whether or not pledged to the payment of the bonds or interest thereon as part of the income and revenue to be derived from the operation of the buildings or improvements pledged to the payment of the issue, shall be considered as a reduction in the interest costs of the bonds with respect to which the grant is made, for purposes of the rate limitations on interest costs provided herein. Such bonds shall have all of the qualities and incidents of negotiable paper, and shall not be subject to taxation by the state of North Dakota, or by any county, municipality, or political subdivision therein. The board, in its discretion may authorize one issue of bonds hereunder for the construction, furnishing and equipment of more than one building or other campus improvement and may make the bonds payable from the combined revenues of all buildings or other campus improvements acquired in whole or in part with the proceeds thereof, and where bonds are so issued the words "the building", as herein used, shall be construed to refer to all the buildings or other campus improvements so acquired.

Approved March 20, 1969.

CHAPTER 183

S. B. No. 223
(Holand)

LIMITATION ON CONSTRUCTION OF HIGHER
EDUCATION REVENUE PRODUCING BUILDINGS

AN ACT

To amend and reenact section 15-55-10 of the North Dakota Century Code, relating to the limitation on revenue producing buildings and other campus improvements constructed from the proceeds of revenue bonds.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Section 15-55-10 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-55-10. Limitation On Buildings and Other Campus Improvements and Issuance of Bonds.) No building or buildings or other campus improvements shall be erected or constructed, and no bonds shall be issued for the payment of the cost of any building or buildings or other campus improvements under the terms of this chapter, save and except for such specified buildings or other campus improvements as may be from time to time designated and authorized by legislative act, nor shall any such building or buildings or other campus improvements be erected at a cost exceeding the amount fixed by the legislature in such act as the maximum to be expended for such buildings or other campus improvements. Such legislative authorization may be aggregated and the appropriation of the proceeds of the bonds for the construction of the buildings or improvements shall not be subject to cancellation under the provisions of section 54-44.1-11. Authorization for the issuance of bonds by the 1969 legislative assembly and authorizations of previous legislative assemblies shall, however, expire on July 1, 1973, unless bonds have been issued for the construction of buildings or improvements in the amounts so authorized or a contract for the design of the building has been signed by the board of higher education prior to such date. Authorization for the issuance of bonds by succeeding legislative assemblies shall expire four years after the effective date of the authorization unless bonds have been issued for the construction of buildings or

improvements in the amounts so authorized or a contract for the design of the building has been signed by the board of higher education prior to such expiration date or the authorization specifies a different expiration date. Refunding bonds may be issued by the state board of higher education under the provisions of this chapter without legislative act to refund, at or prior to the maturity of or pursuant to any privilege of prepayment reserved in or granted with respect to, any bonds issued to pay the cost of buildings or other campus improvements designated and authorized by legislative act.

Approved March 20, 1969.

CHAPTER 184

S. B. No. 36

(Berube, Jacobson, Longmire, Nasset)
(Redlin, Roen, Ruemmele)

(From Legislative Research Committee Study)

QUORUM OF STATE BOARD OF PUBLIC SCHOOL EDUCATION

AN ACT

To amend and reenact section 15-60-06 of the North Dakota Century Code, relating to a quorum for the state board of public school education.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Section 15-60-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-60-06. Governing Body.) The board shall meet for the purpose of making plans for the administration of the school construction fund and the receiving and reviewing of applications for construction or improvements. Five members of the board shall constitute a quorum for the purpose of conducting the business thereof and for all other purposes, and all other actions shall be taken by a unanimous vote of the quorum. The board shall have full authority to manage the properties and business of the board. The board, acting through the office of

the superintendent of public instruction, shall fix and determine the number of officers, agents and employees it shall employ and their respective compensation and duties, and may delegate to one or more of their number, or to one or more of said officers, agents or employees, such powers and duties as it may deem proper.

Approved March 8, 1969.

CHAPTER 185

H. B. No. 53

(Giffey, Wagner)

(Recommended by Legislative Audit and Fiscal Review
Committee)

DISPOSITION OF SURPLUS PROPERTY

AN ACT

To amend and reenact section 15-61-05 of the North Dakota Century Code, relating to the disposition or exchange of state surplus property.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Section 15-61-05 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-61-05. Disposition or Exchange of State Surplus Property.) Whenever any department, agency, or institution of the state of North Dakota has in its possession property which is surplus, and it appears to the head of such department, agency, or institution that such surplus property may be used by any other department, agency, or institution of the state or any political subdivision of the state, he shall inform the director of the department of accounts and purchases, which department shall then proceed to dispose of said property in the following manner:

1. By transferring it to other state departments, institutions, or agencies without cost, except for transportation expenses which shall be paid by the receiving

agency, and except that when such surplus property was originally purchased pursuant to an appropriation other than from the general fund of the state, the agency receiving surplus property shall pay an amount equal to the fair market value of such property with such funds being deposited in the fund from which the original purchases were made; or

2. If not disposed of under subsection 1, then by sale either on sealed bids reserving the right to reject all bids, or by negotiation at fair value if such method is deemed more feasible; or
3. If not disposed of under subsections 1 or 2, title to the property shall be transferred to the political subdivisions without cost, except for transportation expenses.

All proceeds of property sold under authority of this section shall be deposited in the general fund except as provided for in subsection 1. No department, agency, or institution shall exchange items as part of a purchase price of new items until a detailed statement of the value of the items to be exchanged and request for approval have been submitted to the director of the department of accounts and purchases. Such approval shall be given by the director of the department of accounts and purchases only after he has determined that the item has been valued at fair value.

Approved February 7, 1969.

S. B. No. 32
(Becker, L. Larson, Lips, Litten, Luick, Melland)
(Robinson, Sorlie, Wenstrom, Wilhite)
(From Legislative Research Committee Study)

STATE STUDENT GUARANTEE
LOAN PROGRAM

AN ACT

To create a state guarantee loan program under the supervision of the Bank of North Dakota, providing funds for such program by transferring the state scholarship fund, providing for the administration of federal funds, and an information system under the board of higher education; and providing a penalty.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Guarantee Loan Program—Administration.) The Bank of North Dakota, hereinafter called the "agency", shall be the state agency designated to administer a state guarantee loan program, as provided in this Act.° The board of higher education, hereinafter referred to as the "board", shall advise the agency on criteria for student eligibility to participate in the program.

Section 2. Powers and Duties of the Bank of North Dakota.) The Bank of North Dakota shall have the following powers and duties under this Act:

1. To guarantee the loan of money by eligible lending institutions, upon such terms, conditions, and application procedures, commensurate with the applicable provisions of the Federal Higher Education Act of 1965, as amended, which it may establish in accordance with the provisions of this Act, to students, provided such persons shall have been residents of this state for at least one year and meet such other requirements as may be determined necessary, prior to making application under this Act, and who are attending or plan to attend an eligible institution located within or without this state to assist them in meeting their expenses of higher education or vocational education. Students

who are attending or plan to attend colleges on a part-time basis shall be eligible for loans hereunder. The agency shall, by rule, establish minimum qualifications for a person to be deemed a part-time student for purposes of this Act.

2. To take, hold, and administer, on behalf of the state from any source, any real property, personal property and moneys, or any interest therein, and the income therefrom, either absolutely or in trust, for any purpose of the guarantee loan program, provided that no guarantee obligation of the agency shall be an obligation of the agency, payable out of any moneys except those made available to it under this Act.
3. To adopt rules and regulations not inconsistent with law, governing the qualifications and financial needs of students; and establish a method of application for the granting, administration, and repayment of loans which may be made by eligible lending institutions, and make such other rules as may be necessary to properly administer this Act.

Section 3. Agency shall Prescribe the Rate of Interest.)

Any loan guaranteed by the agency shall bear simple interest at a rate not in excess of the interest charged by the lender to other persons for similar types of loans not guaranteed by the agency unless the agency determines that such a higher rate of interest is justified by special circumstances and would be consistent with the general objectives of this Act.

Section 4. Repayment of Loans.) Loans made under the provisions of this Act and any other loans received by the student under the provisions of the Higher Education Act of 1965, as amended, shall be repaid in the amount of not less than thirty dollars per month commencing on the first day of the tenth calendar month following termination of enrollment or earlier at the option of the borrower. Deferral of repayment provisions for not more than three years may be authorized by the agency if the student shall serve on active duty as a member of the armed forces of the United States or an active member of such other program as may be approved by the agency.

Section 5. Establishment and Maintenance of Adequate Guarantee Funds.) The agency shall establish and at all times maintain from funds appropriated under this Act an adequate guarantee reserve fund in a special account in the Bank of North Dakota which fund shall not be less than one-tenth of the dollar value of the total portion of loans not insured by the federal government. The agency is authorized to enter into an agreement with the federal government for the coinsurance of loans guaranteed under this program. The securities in which the moneys in the reserve fund may be invested shall meet the same requirements as those authorized for investment under the state investment board. The income from such investments shall be made available for the costs of administering the guarantee loan program and income in excess of that required to pay the cost of administering the program shall be deposited in the reserve fund. The proceeds of such reserve fund received from federal, state, or private sources for the purpose of guaranteeing loans made to students as provided in this Act are hereby appropriated as a continuing appropriation for the payment of defaulted loans. This fund shall be a self-sustaining revolving fund, and the amount of such fund to be available for the guaranteeing of loans in any one year shall be determined by a formula which will assure so far as possible an equal amount of reserve funds being available for each future year of operation.

Section 6. Procedure on Default of Guaranteed Loan.) Whenever it shall appear to the satisfaction of the agency that a guaranteed loan made in accordance with the provisions of this Act is in default, and the eligible lender has certified such fact to the agency, the agency shall reimburse the eligible lender making the loan from the reserve fund to the extent the loan was guaranteed by the fund. Whenever payment of the guaranteed principal balance of any insured or guaranteed loan is demanded of the agency, the note and accompanying evidence of the loan shall be tendered to the agency in manner and form to confer good title so that the loan may be collected by the agency as it may determine according to law. Neither minority nor any statute of limitations may be used as a defense against collection of any loan through court proceedings.

Section 7. Fees for Insurance and Other Reasonable

Costs.) The agency is hereby authorized to charge reasonable fees for guarantee and insurance to students obtaining loans under this Act, and such receipts shall be deposited in the reserve fund in the agency.

Section 8. Contract with United Student Aid Funds, Inc., or Similar Nonprofit Corporation.) The agency is authorized to appoint the united student aid funds, inc., or similar nonprofit corporation, as agent of the state, to assist in performing the administrative functions of the state under and subject to the terms and provisions of this Act and to perform such other duties as may be prescribed by the agency for the proper administration of the guarantee loan program. The agency shall pay fees to the united student aid funds, inc., or similar nonprofit corporation, as it may determine necessary for the administration of such program. In the event that the agency has entered into an agreement with united student aid funds, inc., or a similar nonprofit corporation and at a later date determines that it can administer the program more economically and efficiently than can such nonprofit corporation, it shall upon proper notice terminate the agreement with such nonprofit corporation.

Section 9. Information System.) The eligible institutions in the state shall furnish to the agency and other lending institutions such information as may be necessary to properly administer the guarantee loan program and the agency shall furnish information in regard to student loan transactions on a regular basis to such educational institutions.

Section 10. Eligibility for Participation in Federal Student Loan Program.) The agency is directed to comply with such requirements as may be necessary to enter into an agreement with the government of the United States for the purpose of procuring funds and assistance for the administration, development, and operation of a guarantee loan program. No provision of this Act shall be construed or have the effect of preventing the agency from complying with the guarantee loan program requirements of title IV, part B, of the Higher Education Act of 1965, or similar Acts of the Congress or with any amendments thereto relating to the guarantee loan program.

Section 11. Coordination with Federal Programs Relating to Student Loans.) The office of the board shall be the information center for the guarantee loan program and any other federal student assistance programs under the Higher Education Act of 1965 or similar Acts of Congress and amendments thereto, and shall, through its biennial report, provide the governor and the legislative assembly with information regarding the financial activities pertaining to the student financial aid provisions of such Act in the state. If state matching funds are needed, the board shall present to the office of the executive budget on a biennial basis a request for an appropriation of funds for the establishment and continuation of such programs.

Section 12. Assistance to Other State Agencies—Reports to the Board.) For the purpose of developing efficiency and economy in scholarship and loan programs and to develop a central scholarship and student loan information system, all state agencies, departments, and institutions shall make available to the board all necessary information regarding student loan or scholarship programs administered by such agencies. Before establishing new student loan or scholarship programs, such agencies, departments, and institutions shall notify the board of such plans and the board shall make available such services as it is able to provide in the development, administration, and coordination of such programs. The information which is provided to the board shall be made available from time to time in the form of a written report to the governor and the legislative assembly, and to the students of the state who are seeking financial assistance in furthering their education.

Section 13. State Scholarship Board to Discontinue Making Loans.) The state scholarship board shall discontinue making loans under chapter 15-62 of the North Dakota Century Code, and the funds in the state scholarship revolving fund along with the available interest on such moneys and subsequent payments of interest and principal received from students shall be transferred by the Bank of North Dakota to a reserve fund for a state guarantee loan program in a special fund in the Bank. The Bank and the state scholarship board shall continue to collect all outstanding loans and provide such other services as may be necessary to collect such loans.

Section 14. Penalty.) Any person who knowingly makes a false statement or misrepresentation in connection with an application under the guarantee loan program shall be subject to a fine of not more than one thousand dollars or to imprisonment for not more than one year, or both fine and imprisonment.

Approved March 14, 1969.

CHAPTER 187

S. B. No. 266

(Van Horn, Ruemmele, Kelly, Doherty)

COLLEGE SCHOLARSHIPS FOR INDIANS

AN ACT

To amend and reenact sections 15-63-01, 15-63-03, and 15-63-04 of the North Dakota Century Code, relating to North Dakota Indian college scholarships.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Section 15-63-01 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-63-01. State Board for Indian Scholarships.) There is hereby established a state board for Indian scholarships consisting of the director of Indian education of the department of public instruction, the executive director of the state Indian affairs commission, and the commissioner of higher education. The director of Indian education shall serve as chairman and the executive director of the state Indian affairs commission shall serve as secretary of the board for Indian scholarships.

Section 2. Amendment.) Section 15-63-03 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-63-03. Number and Nature of Scholarships.) The state board for Indian scholarships shall provide ten scholarships each year for resident persons of at least one-fourth degree of Indian blood or for enrolled members of tribes now resident

in North Dakota to entitle persons so selected to enter and attend any institution of higher learning within North Dakota upon compliance with all requirements for admission and to pursue any course or courses offered in such institutions.

Section 3. Amendment.) Section 15-63-04 of the 1967 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-63-04. Eligibility of Candidates—Determination.) The initial and continuing scholarship eligibility of resident persons of one-fourth degree of Indian blood or enrolled members of tribes now resident in North Dakota shall be determined by the state board for Indian scholarships after the candidate has gained admission to any institution of higher learning within North Dakota and has had this fact certified to the board. Factors to be considered in the award of these scholarships shall be the candidate's health, character, financial need, and probable and continuing success as a student.

Approved March 27, 1969.

CHAPTER 188

H. B. No. 385
(E. Johnson, Aamoth, Bier, Sanstead)
(Halcrow, Jones, R. Peterson)

EDUCATIONAL BROADCASTING
COUNCIL

AN ACT

For the purpose of creating and establishing an educational broadcasting council, designating membership and powers; and providing an appropriation.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. North Dakota Educational Broadcasting Council—Creation—Purpose.) The North Dakota legislature hereby creates the North Dakota educational broadcasting council for the purpose of encouraging and directing the creation of educational radio and television facilities within the state of North Dakota.

Section 2. Membership—Appointment—Term—No Compensation—Expenses—Organization.) The North Dakota educational broadcasting council shall be composed of twelve members as follows: two ex officio members, one appointed by the board of higher education, one appointed by the superintendent of public instruction, and eight appointed by the governor.

1. The ex officio members shall be:

The state superintendent of public instruction or his designated representative from that office.

The commission of higher education or his designated representative from that office.

2. The appointed members shall be drawn from the public at large with no fewer than four from the western half of the state and no fewer than four from the eastern half of the state. The term of office shall be seven years, except that of the original appointees, two shall serve one year, two shall serve three years, two shall serve five years, and two shall serve seven years, which appointees to be determined by lot.

3. No member shall receive any compensation but shall be reimbursed for reasonable and necessary expenses incurred in connection with service on the council. The governor shall call the initial meeting of the council at which time the council shall elect its chairman and other officers and take such other action as it deems appropriate.

Section 3. Powers and Duties.) The council is directed:

1. To be concerned with the development of statewide educational television and radio facilities.
2. To hold coordinating authority for the development of such statewide educational radio and television facilities as may be required to serve the entire state.
3. To assist any organization, state agencies, or both in the preparation, filing, and prosecution before the federal communications commission such applications, reports, or other documents or requests for authorization of any kind as may be necessary or appropriate to achieve the purposes of this Act.
4. To receive gifts and contributions from public and private sources to be expended through the stations to provide educational broadcasting facilities and programs, provided before accepting any tax-producing facilities the commission must first be given the approval by the legislative research committee's subcommittee on budget.
5. To be concerned with the activation of educational broadcasting channels presently assigned to North Dakota and/or the reallocation or addition of such channels as are determined to be in the best interests of the people of the state.
6. To actively cooperate with the state department of public instruction and the state board of higher education and other agencies and private organizations for the purpose of developing statewide educational broadcasting projects.
7. To adopt bylaws for the conduct of its affairs.

8. To publish such informational material as it deems necessary.
9. To carry on a continuing study relating to the needs, resources, and facilities which are available or may be required to establish educational radio and television facilities throughout the entire state.

Section 4. Prohibitions.) Nothing in this Act shall imply or express the intent of the council to license or operate educational broadcasting stations, nor to request the appropriation of state funds for the council's operation of such stations.

Section 5. Appropriation.) There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$15,000 to the North Dakota educational broadcasting council to be used in carrying out the provisions of this Act.

Approved March 25, 1969.

CHAPTER 189

H. B. No. 37

(Bier, Belter, W. Erickson, Giffey, E. Johnson)
(Lang, R. Peterson, Sanstead, Stone)

(From Legislative Research Committee Study)

LIMITATION ON SCHOOL CONSTRUCTION

AN ACT

Relating to school district reorganization and the effect thereon of new construction by school districts, and temporarily providing the superintendent of public instruction and, in case of appeal, the board of public school education with authority to limit certain school construction projects.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Effect of New Construction by Existing School Districts on School District Reorganization.)

WHEREAS, reorganization and annexation has reduced the

number of school districts from two thousand eight in 1957 to four hundred seventy-four in 1968 and continues to reduce the number of school districts as trends in population, education and transportation encourage larger and more efficient school districts; and

WHEREAS, reorganization and annexation often compel the relocation of some schools and the abandonment of others within the reorganized school district; and

WHEREAS, these abandoned schools represent thousands of dollars of wasted investment in elementary and secondary education to the detriment of all the people of North Dakota; and

WHEREAS, a period of four years from the effective date of this Act is determined to be the period of time within which maximum reorganization and annexation of school districts will likely take place.

Section 2. Approval Required for Certain School District Construction Projects.) Notwithstanding the powers and duties of school boards of public school districts otherwise provided by law, from and after July 1, 1969, and prior to July 1, 1973, all construction, purchase, repair, improvement, renovation, or modernization of any school building within a school district estimated by the school boards to cost in excess of twenty-five thousand dollars shall not be commenced unless approved by the superintendent of public instruction. The superintendent of public instruction shall not approve such school building project unless he shall find that the building will be fully or substantially usable by any reorganized school district which in his judgment is likely to be created during the effective period of this Act which would encompass all or a major portion of the school district applying for approval of the building project. In the event of disagreement between the superintendent of public instruction and the school board applying for approval of a construction project under this Act, such school board shall have the right to appeal such application to the board of public school education and the decision of the board approving or disapproving such application shall be final.

Approved March 14, 1969.

CHAPTER 190

H. B. No. 70
(Stoltenow, Bullis)

STADIUM AT WAHPETON SCHOOL OF SCIENCE

AN ACT

To authorize the state board of higher education to construct a stadium on the campus of the North Dakota state school of science with private or federal funds.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Construction of Stadium.) The state board of higher education is hereby authorized to construct with private or federal funds which may be available for such purpose a stadium on the campus of the state school of science at a cost not to exceed two hundred thousand dollars, which funds are hereby appropriated for such purpose. No contract for the construction of such stadium shall be awarded until the funds for the payment of the contract have been deposited in a bank to the credit of the board of higher education. In the event the full amount necessary to construct the entire stadium is not deposited to the credit of the board of higher education, the board may proceed with construction of a portion of the stadium if sufficient funds have been deposited to pay for the construction of such portion.

Approved March 5, 1969.

CHAPTER 191

H. B. No. 77
(Stoltenow, Bullis)

REMOVAL OF CERTAIN BUILDINGS AT
SCHOOL OF SCIENCE

AN ACT

To permit the destruction or removal of certain buildings at the North Dakota state school of science and providing for the cost of removal or the disposition of any proceeds from the sale thereof.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Destruction or Removal of Buildings.) The state board of higher education is hereby authorized to make provision for the destruction or removal of the following buildings at the North Dakota state school of science:

1. Pennington house, now known as west gateway house, acquired under the provisions of chapter 48, 1959 session laws.
2. The building, known as east gateway house, on the Ramstad property acquired with the proceeds of the women's dormitory construction bonds of 1963, issued under authority of chapter 132, 1963 session laws.

Section 2. Cost of Removal—Disposition of Proceeds.) The cost of removal of the buildings referred to in section 1 hereof shall be paid from the plant improvement appropriations of the state school of science or any other moneys which may be available for such purpose. Any proceeds which may be derived from the sale of these buildings shall be deposited to the credit of the sinking fund for the women's dormitory construction bonds of 1963 or, if that fund contains sufficient moneys to pay the principal and interest on the remaining outstanding bonds, the proceeds shall be deposited in the operating fund of the state school of science.

Approved March 8, 1969.

CHAPTER 192

H.B. No. 93

(J. Peterson, Haugland, Sanstead, Aas)
(Anderson, Emerson, Backes)

OUTDOOR AMPHITHEATER AT MINOT STATE COLLEGE

AN ACT

Authorizing the state board of higher education to construct an outdoor amphitheater on the campus of Minot state college with private funds and student fees and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Construction of Amphitheater—Pledge of Fees.)

The state board of higher education is hereby authorized to construct with private or federal funds and student fees an outdoor amphitheater on the campus of Minot state college at a cost not to exceed one hundred thousand dollars. No contract for the construction of such amphitheater or any part thereof shall be awarded until the funds for the payment of said contract have been deposited in a bank to the credit of the board of higher education. Notwithstanding the fact the amount necessary to construct the entire amphitheater has not been deposited to the credit of the board of higher education, said board may proceed with construction of a portion of the amphitheater if sufficient funds have been deposited to pay for the construction of such portion. Minot state college is authorized to pledge net receipts from student fees, not otherwise allocated, now or hereafter available, and on hand at Minot state college, to repay any pledge or pledges made for the purpose of constructing the amphitheater.

Section 2. Emergency.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 5, 1969.

CHAPTER 193

H. B. No. 155
(Freeman, Thompson, O. Solberg)

EXCHANGE OF LANDS WITH THE UNITED STATES

AN ACT

To permit the board of higher education to exchange lands with the United States.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Exchange of Lands with the United States.) The board of higher education is hereby authorized to exchange the southeast quarter of section thirty-six, township one hundred and fifty-six north, range seventy-eight west, McHenry County, North Dakota, now owned by the state of North Dakota for the use and benefit of the forestry service, for the southwest quarter of section thirty-one, township one hundred and fifty-seven north, range seventy-five west, McHenry County, North Dakota, now owned by the United States.

Approved February 20, 1969.

CHAPTER 194

H. B. No. 174
(Bier, Diehl, Thorsgard)

CONSTRUCTION OF 4-H BUILDING AT
NORTH DAKOTA STATE UNIVERSITY

AN ACT

To amend and reenact chapter 156 of the 1967 Session Laws, authorizing the state board of higher education to enter into an agreement with the North Dakota 4-H club foundation, incorporated, to allow such foundation to build a 4-H center on lands of the North Dakota state university of agriculture and applied science, with title to such center passing to the state upon completion of the construction of the building.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Amendment.) Section 1 of chapter 156 of the 1967 Session Laws is hereby amended and reenacted to read as follows:

Section 1. Board of Higher Education Authorized to Allow Construction of a 4-H Center by the North Dakota 4-H Club Foundation, Incorporated, on the Campus of North Dakota State University of Agriculture and Applied Science—Terms of Agreement.) The state board of higher education is hereby authorized to enter into an agreement with the North Dakota 4-H club foundation, incorporated, a nonprofit North Dakota corporation, to authorize such foundation to construct a 4-H educational center building on the campus of the North Dakota state university of agriculture and applied science. Such building may be constructed as a separate structure or as an addition to an existing building and may be a joint effort between the foundation and the university. If the building or addition is constructed as a joint effort the portion constructed by the university shall be financed as a part of an otherwise authorized revenue producing building in accordance with chapter 15-55 of the North Dakota Century Code. The board shall select the building site for such center; approve the plans for the construction of the building; and require in such agreement that upon completion of the building such foundation shall pass title to the building to the state of North Dakota free and clear of any type of liens or the board may enter into an agreement with the foundation requiring such foundation to deposit to the credit of the board, prior to the awarding of

construction contracts, an amount which with the amount to be financed by the university will be sufficient to construct the building or addition and the construction contracts may be awarded by the board directly. Upon passage of the title of the building to the state, the North Dakota state university of agriculture and applied science shall assume the responsibility for the administration, operation, and maintenance of such center. Such building or addition constructed hereunder shall be used primarily for 4-H programs and activities and institutional purposes. Provided, however, the state board of higher education shall not allow the construction of such building or addition until it has determined that the North Dakota 4-H club foundation, incorporated, has sufficient funds to build and complete such building or addition or the foundation's share thereof.

Approved March 18, 1969.

H. B. No. 382
(Froelich, Knudson, K. Johnson, Austin, Olienyk)

**CLASSROOM - THEATRE BUILDING AT
DICKINSON STATE COLLEGE**

AN ACT

To provide for the construction of a classroom-theatre building at Dickinson state college; and providing an appropriation.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Board of Higher Education Authorized to Allow Construction of a Classroom - Theatre Building at Dickinson State College.) The state board of higher education is hereby authorized to allow the construction of a classroom-theatre building on the campus of the Dickinson state college, at Dickinson, North Dakota, at a cost of not to exceed \$400,000.00. Such building shall be built solely with private funds, and such federal matching moneys as may be obtained for this purpose, and no state funds shall be expended for such purpose. The board of higher education shall select the building site for such building, approve the plans for the construction of the building, and require that upon completion of the building, title shall be in the state of North Dakota, and the Dickinson state college shall assume the responsibility for the administration, operation, and maintenance of the building. No contract for the construction of such additions shall be awarded until the board of higher education has assurance that the funds for the payment of the contract are available. Such building shall be primarily used for a classroom and theatre building, but may be used for any purpose not inconsistent with the programs and activities related to Dickinson state college.

Section 2. Appropriation.) There is hereby appropriated out of any private and federal matching moneys that may become available for such purpose, the sum of \$400,000.00, or so much thereof as may be necessary, for the construction, reconstruction, and equipping of a classroom-theatre building at Dickinson state college, Dickinson, North Dakota, as provided in section 1 of this Act, for the biennium beginning July 1, 1969, and ending June 30, 1971.

Approved March 25, 1969.

H. B. No. 458
(Jenkins, Bunker, Hilleboe)

**ADDITION TO FINE ARTS COMPLEX
AT NORTH DAKOTA STATE UNIVERSITY**

AN ACT

To authorize the state board of higher education to construct additions to the fine arts complex on the campus of North Dakota state university with private or federal funds, or both, and appropriating such funds.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Construction of Additions to Fine Arts Complex—Appropriation.) The state board of higher education is hereby authorized to construct, with private or federal funds which may be available for such purpose, additions to the fine arts complex on the campus of North Dakota state university at a cost not to exceed \$800,000.00, which funds are hereby appropriated for such purpose. No contract for the construction of such additions shall be awarded until the board of higher education has assurance that the funds for the payment of the contract are available. In the event the full amount necessary to construct the entire project is not available, the board may proceed with construction of a portion of the project if sufficient funds are available to pay for the construction of such portion.

Approved March 25, 1969.

CHAPTER 197

H. B. No. 474

(Backes, Miedema, Powers, Glaspey, Sanstead, Goodman)
(Matheny, Moquist, Weber, Davis, Thompson, Kuehn, Rundle)
(Dawson, I. Solberg, Wells, Giffey, Lundene, Schaffer)
(Dornacker, Ganser, K. Johnson, J. Peterson, Haugland)
(Freeman, Bier, Seibel, E. Johnson, Henning, Welder, Gackle)
(Connolly, Linderman, Diehl, Simonson, Jenkins, Bunker)
(Hoffner, W. Erickson, Opedahl, Wilkie, Anderson, Bullis)
(Swedlund, O. Solberg, K. Erickson, Grant, Link, Leibhan)
(Jones, Rivinius)

QUARTER SYSTEM AT STATE
COLLEGES AND UNIVERSITIES

AN ACT

To provide that all institutions of higher education shall adopt the quarter system educational term.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Institutions of Higher Education to Adopt Quarter System.) Prior to commencing the fall academic term of 1970, each institution of higher education in the state under the direction and control of the state board of higher education, except the university of North Dakota and the Ellendale branch, shall have adopted the quarter system of academic term. Such quarter system shall provide for an academic year consisting of three quarters of approximately three months in length, to be termed as a fall quarter, winter quarter, and spring quarter, and a summer session or sessions as provided by the board of higher education. The board of higher education is hereby directed to implement the provisions of this Act to assure that all institutions of higher education, except the university of North Dakota and the Ellendale branch, shall have adopted the quarter system of academic terms by the date prescribed.

Approved March 29, 1969.

H. B. No. 507
(Committee on Delayed Bills)

**CONSTRUCTION OF SUGAR BEET
RESEARCH CENTER**

AN ACT

To authorize the state board of higher education to construct a sugar beet research and service center either on or off the campus of North Dakota state university, and providing an appropriation.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Board of Higher Education Authorized to Construct Sugar Beet Research and Service Center.) The state board of higher education is hereby authorized to construct a sugar beet research and service center either on or off the campus of North Dakota state university at a cost of not to exceed six hundred thousand dollars. Such building shall be built solely with private funds and such federal matching moneys as may be obtained for this purpose. No state funds shall be expended for such purpose. No contract for the construction of the building shall be awarded until the board of higher education has assurance that the funds for the payment of such contract are available. In the event the full amount of funds necessary to construct such building is not available, the board may proceed with construction of a portion of the building if sufficient funds are available to pay for the construction of such portion. Such building shall be constructed on a site selected by the board of higher education and may, if determined necessary by the board of higher education, be leased or conveyed by the board to the United States government for so long as such property is used for a sugar beet research and service center. If such property is sold, transferred, and conveyed, the necessary deed shall be executed by the governor and attested by the secretary of state.

Section 2. Appropriation.) There is hereby appropriated out of any private funds, and such federal matching moneys as may be obtained for that purpose, the sum of \$600,000, or so much thereof as may be necessary, to the state board of higher education for the purpose of constructing a sugar beet research

and service center on the campus of North Dakota state university in accordance with the provisions of this Act.

Approved March 29, 1969.

CHAPTER 199

S. B. No. 34

(Coughlin, Holand, Litten, Wenstrom)

(From Legislative Research Committee Study)

STUDY OF DATA PROCESSING
AT INSTITUTIONS OF HIGHER EDUCATION

AN ACT

Relating to a study by the legislative research committee for the development of a plan for an integrated data processing system for the institutions under the authority of the board of higher education, and providing for an appropriation.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. Existing Data Processing Systems Under the Board of Higher Education.)

WHEREAS, the subcommittee on data processing of the legislative research committee recommends that its activities be continued into the 1969-1971 biennium to review the data processing in higher education in accordance with the objectives of senate bill 89 of the fortieth legislative assembly; and

WHEREAS, there does not exist in this state an overall plan or program for the integration of data processing equipment and programs for all of the institutions under the board of higher education to provide for full integration of existing equipment to ensure maximum utilization of such programs and equipment; and

WHEREAS, unless such overall integrated data processing plan is developed, followed by intensive study and program implementation, the development of duplicating or noncompatible programs and procurement of duplicating or noncom-

patible equipment will result in hundreds of thousands of dollars of unnecessary and wasteful expense to the state during future bienniums; and

WHEREAS, while the advantages of improved educational services to the students, more efficient governmental administration, and lower governmental costs can unquestionably result from the proper use of data processing systems, these benefits will be substantially negated unless an integrated and fully compatible system of data processing is developed; and

WHEREAS, new and efficient methods of data processing should be considered in order to ensure that proper use of suitable equipment and methods for data retrieval and transmission are recognized and integrated with the data processing system to the extent feasible.

Section 2. Legislative Research Committee Study.) The legislative research committee is hereby authorized and directed to carry on a study of data processing during the 1969-1971 biennium for the purpose of reviewing the state's data processing efforts in the institutions under the control of the state board of higher education. Such study shall include: inventorying existing equipment and data processing capabilities as well as plans of the various institutions for expansion of such programs; projecting data processing capabilities and probable future applications and functions of such capabilities; determining the degree of utilization of existing equipment and equipment to be acquired; determining the compatibility of existing and planned equipment and systems; considering potential data transmission in developing an integrated system; and such other matters as may be necessary for the development of an economical, efficient, compatible, and feasible integrated data processing and information system for the institutions under the control of the board of higher education. Upon the basis of such review, recommendations shall be made in regard to the management and administrative and legislative action necessary to implement and achieve such overall system.

The committee may select and employ such consultants as may be necessary to carry out such study, and each department, agency, and institution of the state shall provide such aid, information, and assistance as the committee may request.

The committee shall report its findings and recommendations

to the forty-second legislative assembly, together with such legislation as may be necessary to carry out such recommendations.

Section 3. Appropriation.) There is hereby appropriated to the legislative research committee out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$30,000.00, or so much thereof as may be necessary, to be expended in accordance with chapter 54-35 of the North Dakota Century Code for the purpose of carrying out the study provided for in sections 1 and 2 of this Act.

Approved March 26, 1969.

CHAPTER 200

S. B. No. 66
(Freed)

USE OF FUNDS FROM SALE OF DICKINSON
EXPERIMENT STATION

AN ACT

Authorizing the state board of higher education to expend the funds received from the sale of agricultural experiment station land to the state highway department for the purpose of acquiring other land.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1.) The state board of higher education is hereby authorized to expend the moneys received from the sale to the state highway department of land owned by the state of North Dakota and held for the benefit and use of the Dickinson experiment station of the North Dakota state university of agriculture and applied science, under the provisions of chapter 359 of the 1963 Session Laws, for the purpose of acquiring replacement land, as determined by the state board of higher education, in the name of the state of North Dakota for the use and benefit of the Dickinson branch experiment station of the North Dakota state university of agriculture and applied science, and such moneys are hereby appropriated for such purpose.

Approved March 10, 1969.

CHAPTER 201

S. B. No. 159

(Becker, Litten, Torgerson, Kautzmann, Trenbeath)
(Luick, Sorlie, Hernet, Goldberg, Butler, Stafne)
(Decker, Berube)

SCHOOL OF FORESTRY TO BE
BRANCH OF STATE UNIVERSITY

AN ACT

Authorizing the board of higher education to make the state school of forestry a branch of the state university of agriculture and applied science.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. School of Forestry May Be United with State University of Agriculture and Applied Science.) The state board of higher education, if it deems it expedient to do so, may unite the state school of forestry with the state university of agriculture and applied science as a branch thereof.

Approved March 8, 1969.

CHAPTER 202

S. B. No. 172
(Litten, Freed, Sorlie, Decker, Longmire)
(Luick, Becker)

SALE OF BONDS BY BOARD OF HIGHER EDUCATION

AN ACT

To authorize the state board of higher education to sell self-liquidating tax-exempt bonds and provide for the use of the proceeds of such self-liquidating bonds for the purpose of constructing or purchasing revenue producing buildings and other campus improvements at institutions of higher learning in this state under the jurisdiction of the board, at such maximum amounts, at such locations, and for such purposes as are hereinafter provided.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1.) In accordance with the provisions of chapter 15-55 of the North Dakota Century Code, the state board of higher education is hereby authorized and empowered to issue and sell self-liquidating tax-exempt bonds for the purpose of constructing revenue producing buildings and other campus improvements at institutions of higher learning in this state under the jurisdiction of the board, at such maximum amounts, at such locations, and for such purposes as hereinafter provided:

1. University of North Dakota, Grand Forks, North Dakota
 - a. Parking lots \$ 150,000.00
 - b. Married student housing 2,250,000.00
 - c. Student dormitories and food service 750,000.00
 - d. Addition to university center 1,250,000.00
 - e. Student health service building 1,000,000.00
 - f. Warehouse building 150,000.00

- | | |
|---|--------------|
| 2. North Dakota state university, Fargo | |
| a. Student dormitories | 1,000,000.00 |
| b. Central food storage and processing facility | 275,000.00 |
| c. Married student housing | 2,500,000.00 |
| 3. Mayville state college, Mayville | |
| a. Married student housing | 450,000.00 |
| b. Student dormitories | 425,000.00 |
| 4. North Dakota state school of science, Wahpeton | |
| a. Student dormitories | 1,300,000.00 |
| b. Married student housing | 540,000.00 |
| 5. State School of forestry, Bottineau | |
| a. Married student housing | 200,000.00 |
| 6. Minot state college, Minot | |
| a. Married student housing | 480,000.00 |

The bonds authorized by this Act for the construction of married student housing shall be retired solely from revenues from such buildings. Bonds issued under the provisions of this Act shall never become a general obligation of the state of North Dakota.

Section 2.) The proceeds resulting from the sale of bonds authorized under section 1 of this Act, or so much thereof as may be necessary, are hereby appropriated for the construction and equipment of the buildings and facilities authorized in section 1. Any unexpended balances from the sale of bonds shall be placed in sinking funds for the retirement of the bonds authorized in section 1.

Approved March 8, 1969.

CHAPTER 203

S. B. No. 364

(Litten, Lips, Melland, Coughlin, Robinson)
(Luick, Sorlie, Wenstrom, L. Larson, Kelly, Lowe)

SALE OF EDGELEY EXPERIMENT
STATION

AN ACT

Directing the state board of higher education to sell and transfer certain land and the improvements thereon owned by the state of North Dakota for the benefit and use of the North Dakota state university of agriculture and applied science, and for the proceeds of such sale to be deposited in the general fund, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1.) The state board of higher education shall sell and transfer by public bid, prior to January 1, 1971, with operations discontinued by January 1, 1970, all land and improvements thereon owned by the state of North Dakota and held for the benefit and use of the Edgeley experiment station of the North Dakota state university of agriculture and applied science, which land and improvements thereon are described as follows:

Northwest quarter and part of the southwest quarter of section fourteen and the northeast quarter of section fifteen all in township one hundred thirty-three north, range sixty-four west, LaMoure County, North Dakota.

Section 2.) Upon the sale of such land, the proceeds of sale shall be transmitted to the state treasurer for deposit in the general fund of the state of North Dakota. All documents necessary to make conveyance shall be executed by the governor and attested by the secretary of state as provided by law.

Section 3. Emergency.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 25, 1969.

S. B. No. 429
(Longmire, Lowe, Unruh)

ISSUANCE OF REVENUE BONDS FOR
CONSTRUCTION OF UNIVERSITY
BUILDINGS

AN ACT

To provide for the issuing of revenue bonds for the construction of certain buildings at the university of North Dakota, for a student facility fee, and for an appropriation.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1.) In accordance with the provisions of chapter 15-55 of the North Dakota Century Code, the state board of higher education is hereby authorized and empowered to issue and sell tax-exempt bonds for the purpose of either constructing a student health center at the university of North Dakota, Grand Forks, North Dakota, in accordance with senate bill 172, or reimbursing the rehabilitation treatment center at the university of North Dakota for the cost of its present facilities in the event such facilities shall be converted to a student health center, in an amount of not to exceed seven hundred fifty thousand dollars. The bonds authorized by this section shall be retired solely from revenues from student facility fees as provided by this Act, and shall never become a general obligation of the state of North Dakota.

Section 2.) In accordance with the provisions of chapter 15-55 of the North Dakota Century Code, the state board of higher education is hereby authorized and empowered to issue and sell tax-exempt bonds for the purpose of constructing a revenue producing winter sports building at the university of North Dakota, Grand Forks, North Dakota, in an amount of not to exceed eight hundred thousand dollars, provided that the total cost of such building shall not exceed one million six hundred thousand dollars, and provided further that one-half of the total cost may be paid by private and federal moneys obtained for this purpose. The bonds authorized by this section shall be retired solely from revenues from the winter sports building and student facility fees as provided by this Act, and

shall never become a general obligation of the state of North Dakota.

Section 3.) At the time of issuance of bonds under this Act, the board of higher education shall set a student facility fee to be charged to each student matriculating at the university of North Dakota, Grand Forks, North Dakota, at the time of his registration fee payment. Such fee shall be in an amount to be determined by the board, and the total of all such fees charged shall be in an amount sufficient to pay the interest and principal of bonds issued under section 1 of this Act, and the interest and principal of bonds issued under section 2 of this Act, as such bonds become due.

Section 4. Appropriation.) There is hereby appropriated from federal and private sources the sum of \$8,352,500.00 for the construction, reconstruction, and equipment of buildings and facilities at the university of North Dakota, Grand Forks, North Dakota, for purposes as follows and within the limitations of the costs hereafter stated:

Type of Facility	Student Facility Fees	Private Funds	Federal Funds	Total Funds
Rehabilitation treatment center hospital	\$	\$ 750,000	\$2,250,000	\$3,000,000
Student health center	750,000			750,000
Fine arts center		1,250,000	1,250,000	2,500,000
Winter sports building	800,000	400,000	400,000	1,600,000
Planetarium		500,000		500,000
Astronomical observatory		2,500		2,500
	<hr/>	<hr/>	<hr/>	<hr/>
	\$1,550,000	\$3,302,500*	\$3,500,000*	\$8,352,500

*Note: These figures are in error, but are shown exactly as they appear in the final version of the bill.

The construction of any building shall not be commenced until the amounts of funds indicated for such building in the columns "Private Funds" or "Federal Funds" have been either actually received or irrevocably promised from such sources for such buildings except that should the funds received or to be received from the federal and private fund sources be less than the amount indicated in the columns "Federal Funds" or "Private Funds", the board of higher education shall determine whether the facility should be constructed, basing its determination on whether the building can, if constructed at a lower cost, reasonably meet the original purposes of the authorized building. In no event shall any building exceed the cost indicated in the column "Total Funds" except to the extent funds from the federal and private fund sources exceed the amount authorized for the specific building. The order of appearance of the buildings set forth above is not necessarily the order of priority for the construction of such buildings and the board of higher education, in its discretion, may direct the construction of such buildings in a different order or priority than that listed in this section.

Approved March 28, 1969.

CHAPTER 205

S. B. No. 467
(Committee on Delayed Bills)

SCHOOL DAYS LOST DUE TO ACTS OF GOD

AN ACT

Relating to foundation program payments to school districts for days of school lost during the 1968-1969 school year because of acts of God, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1.) Notwithstanding the provisions of section 15-40-14 of the North Dakota Century Code as amended by senate bill 35 of the 1969 legislative session each school district in the state during the 1968-1969 school term may include for foundation program payments not to exceed five days during which school was not held because of acts of God and an additional five days if an additional day of school is held for each of all or any part of the five days claimed as certified to the county superintendent.

Section 2. Emergency.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 26, 1969.